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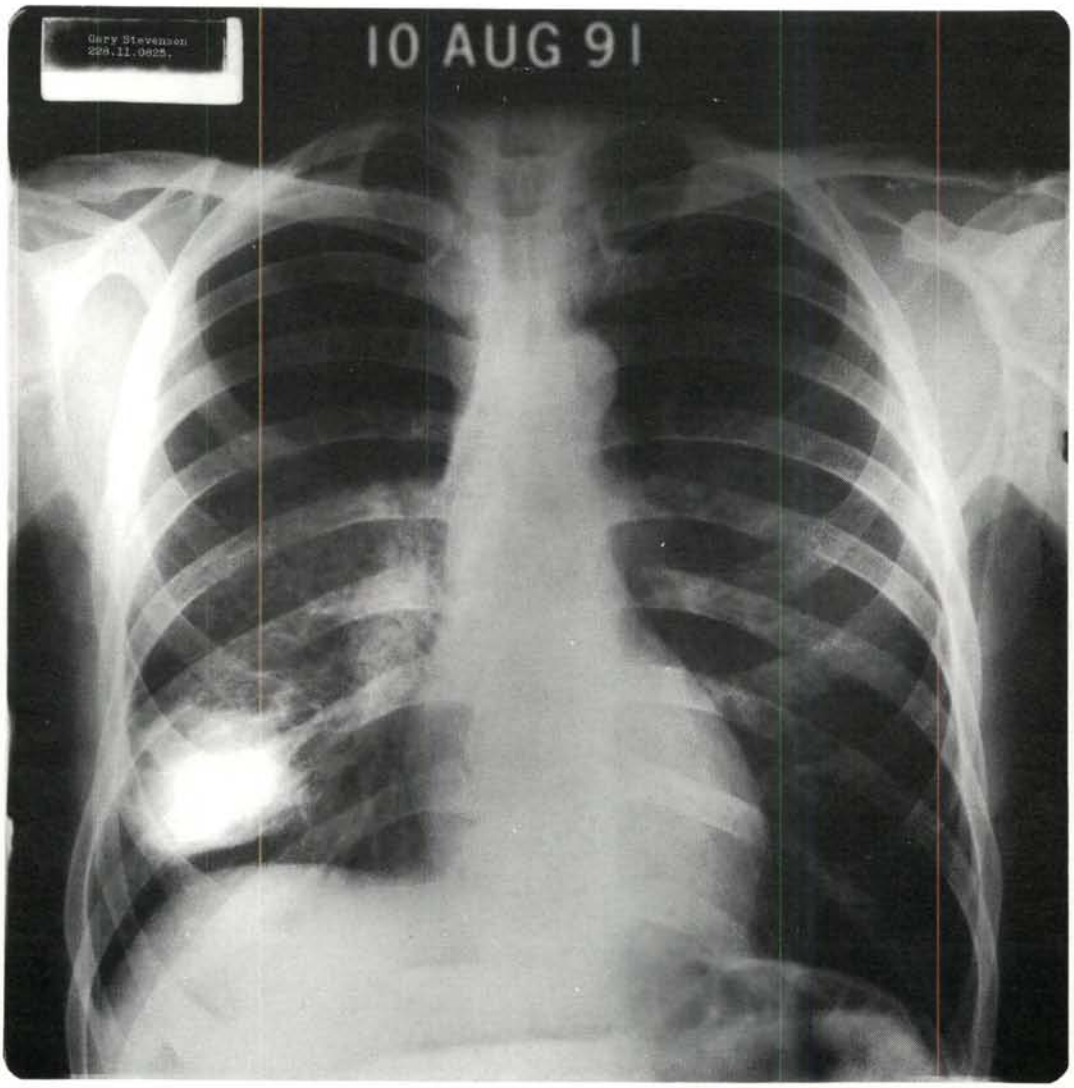

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NATIONAL REVIEW

MAY 25, 1992 VOL. XLIV, NO. 10

Cover Story

31 ***Sex Ed, Up to Date***
New York City's sex-education manuals, suggests **John P. Hale**, could be subtitled: "Everything you never wanted to know about sex." The administrators are counting on parents' being too squeamish to ask.

Articles

17 ***On the Scene***
Harold Johnson drives around what's left of L.A.'s inner city, and muses on the connection between liberal social engineering and the devastation around him. . . . **L. Francis Bouchey** says: Don't cry for Argentina. . . . **William McGurn** wishes the Education Secretary believed in the Education President's agenda.

22 ***Civil Wrongs***
Of the Warren Court's landmark decisions, none did more than *Mapp* v. *Ohio* to change the balance of American criminal law—in favor of the criminals. And, **Leon Scully** documents, *Mapp* was not even a genuine case.

29 ***See How They Run***
As long as different nations follow different economic policies, argues **Stephen J. Entin**, some of them may do something right.

33 ***Denying the Terror Famine***
Was Stalin engaged in genocide on a scale matched only by Hitler and Pol Pot, or was he a reformer whose methods got out of hand? **Arch Puddington** examines the defenders of the latter theory. . . . **Blanca Jicinska** surveys the responses of the various ex-Communist countries to their own ex-reformers.

36 ***Fog at Foggy Bottom***
Bringing more heat than light to the debate on global warming, sighs **Peter Samuel**, is the State Department's Office on Global Change.

Books, Arts & Manners

40 In *WindFall* Wm. F. Buckley Jr. takes readers on a memorable Atlantic crossing, and **James J. Kilpatrick** disembarks singing. . . . *I've Seen the Best of It*, goes the title of Joseph Alsop's memoir about life as a Washington columnist; **Edwin M. Yoder Jr.** agrees with the assessment. . . . Liberal prigs will be offended, but **Terry Teachout** thinks the writing of Justice Oliver Wendell Holmes Jr., collected in *The Essential Holmes*, captures the style of a refreshingly pungent man. . . . **John Simon** is shocked, shocked: two new movies, *The Playboys* and *A Woman's Tale*, both of them very good. . . . Broadway has rediscovered the musical comedy, the kind of shows grown-ups used to love for their jaunty urbanity; **Joseph Sobran** confesses a taste for adult entertainment. . . . Alas, they wouldn't let her shoot anything, but on a trip to a South African game reserve **Linda Bridges** got to sneak up on some water buffalo and go eye-to-eye with an elephant.

56 ***The Gimlet Eye***
Highbrows claimed to dislike Benny Hill for his smuttiness, but what really got their goat, **Frank Johnson** reckons, was his implicit morality.

Sections

2 ***Letters***
4 ***From the Editor***
6 ***For the Record***
8 ***The Week***
38 help
50 ***Books in Brief***
51 ***Trans-O-Gram***
54 ***On the Right***

The Audit Bureau

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LETTERS

Yugoslavian Divide

By her use of half truths and unsupported claims Nora Beloff incorrectly argues that peace in the Balkans will be unattainable if self-determination were allowed in Yugoslavia's former republics ["Eastern Reproaches," April 13]. By calling self-determination an illusion, she implicitly lends support to the Serbian Communist regime in its attempt to subjugate the fledgling democracies in Croatia and Slovenia.

The ethnic map of Croatia does not, as Miss Beloff claims, reveal that one-third of the territory is inhabited mainly by Serbs. Croatia does have a 12 per cent Serb minority, but in only one small region do they make up a majority.

Facts about the origins of the current conflict also get lost in Miss Beloff's version. The truth is that Croatia held a referendum on independence in which the population voted overwhelmingly to secede from Yugoslavia. Serbian extremists, with the help of the Yugoslav army, then assumed control of Croatian territory in the name of Serbia.

Miss Beloff's most blatant error, however, is in saying that the city of Dubrovnik is not a part of historic Croatia. In October, the world was outraged when Communist forces began shelling the ancient port city, whose population is 90 per cent Croatian. On October 28 the European Community issued a statement calling the attack "an illegal act clearly aimed at the seizure of an indisputably Croatian city." Miss Beloff argues that Dubrovnik was a Free Republic, and then was ruled by Austria–Hungary until it became a part of Yugoslavia. In these respects she is correct, but I fail to see how this changes the fact that Dubrovnik's population has always considered itself Croatian. EC negotiator Lord Carrington said on November 5, "There are no Serbs in Dubrovnik. It's never been a part of Serbia, it has always been Croatian, and the attack on Dubrovnik is absolutely unwarranted."

The remainder of Miss Beloff's article is peppered with inaccuracies. Saying that the top brass in the Yugoslav army was deliberately selected to represent all the different communities is simply untrue. She cites no documentation to support this, but simply asks us to accept it as fact. Official Yugoslav documents, dating from before the current conflict, list the officer corps of the army as being approximately 70 per cent Serbian. Also, implicitly trying to link Croatian President Franjo Tudjman with World War II's Nazi collaborators in Croatia is a disservice to history. President Tudjman was, in fact, a general of the Partisans who fought against both Croatian and Serbian extremists. He was imprisoned by Tito because of his anti-Communist activities.

Most of the world has seen the current conflict for what it is, namely a battle of ideologies (democracy vs. Communism), and not simply an ethnic conflict. By trying to link today's democratic movements to the Croatian extremists of World War II, Miss Beloff becomes an apologist for the Serbian Communists

John Didovic
Brecksville, Ohio

My dismissal of self-determination as a valid criterion for statehood is based on the unalterable fact that, history having so intermingled the communities, there is no way of drawing a clear and mutually acceptable line between them.

The Croats were wrong to turn the jewel city of Dubrovnik into a nationalist stronghold: if the residents had agreed, the Croat mayor would not have needed to issue an edict forbidding adult males to leave the city. Lord Carrington would be the first to concede that I know more about Yugoslav history than he does. But, if he is to be the criterion of correctness, Mr. Didovic should remember that until Carrington was overruled by politicians, he flatly opposed recognizing the separate republics until agreement had been negotiated on the future shape of Yugoslavia, which would give the minorities acceptable forms of protection.

"Top brass" means highest ranks and, in the federal army, these were distributed according to an ethnic key. The officer corps as a whole was 70 per cent Serb, much of it recruited from the Serbs of Croatia and Bosnia.

President Tudjman presides today over a centralist, dictatorial, and collectivist regime, which has far more in common with Titoist Communism than democracy. Further his three political books—published, respectively, in 1969, 1981, and 1989—all contain explicit and vicious expressions of anti-Semitism. Finally, my reference to the wartime genocide was in the context of the present-day refusal of Tudjman (and his Vatican backers) to admit well-documented evidence of the slaughter of the Serbs; this has allowed the regime to flaunt Ustasha emblems, revere the memory of Ustasha leaders, and treat their own Serb minority as disposable trash. —NB

Checks and Bounces

I must take issue with Wm. F. Buckley Jr.'s dismissal of the significance of the House's check-kiting scandal ["On the Right," April 27]. Specifically he cites Stephen Solarz as an example.

Congressman Solarz kited 743 checks in thirty months, almost 25 overdrafts per month. He repaid $2,400 to represent interest on those overdrafts. Most people are charged about $15 per overdraft. If Mr. Solarz had been treated like an ordinary citizen, he would have had to pay more than $11,000 in fees. Solarz's $2,400 got him off pretty cheaply—if that one didn't bounce too.

Michael F. Burnson
Scurry, Tex.

Limited Solution

Alan Reynolds advances the notion that new rascals will spend our money more wisely than incumbent rascals ["Time for Term Limits," April 13].

The term-limit solution ignores some obvious questions. If special-interest PACs no longer can finance the political campaigns of incumbents, what is to prevent their transferring their affections to young bloods? Why assume the new politicians will be any wiser than the old ones? Is "an elite class of aging professional politicians" necessarily worse than an elite class of young ambitious politicians?

Term limitation might justify the loss of voter choice if it would eliminate the hidden authors of unwise spending: bureaucrats, congressional staffers, professional activists, as well as special-interest PACs. But they will wield their powers over the limited-term members as artfully as they have over entrenched incumbents. Somewhere in the elite class of political pundits there must be someone with enough imagination and daring to devise a better way.

Margaret-Mary del Tufo
North Myrtle Beach, S.C.

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FROM THE EDITOR

Riots, Lies, and Videotape

■ From the first news of the acquittal of the four police officers, there was a universal sense of something momentous happening. One picked it up most strongly from the television newscasters who reported the verdict as a straight miscarriage of justice.

Given the evidence of the videotape, that was understandable. But it was also contrary to the orthodox liberal stress on due process, defendants' rights, and the virtues of a system that acquits ten guilty men in order to avoid condemning one innocent.

What would the media reaction have been if the policemen had been acquitted not by a jury, but because the exclusionary rule had prevented the videotape being produced in evidence? A speculation, of course, but not an idle one. Many a guilty defendant has been acquitted to liberal applause on exactly such grounds.

But policemen, of course, are not the usual suspects. That is something on which both the jurymen and media liberals apparently agree.

The jurymen were, I suspect, reluctant to condemn to perhaps eight years in prison those on whom their security rests daily. They might well have found them guilty of an offense that carried no more than 18 months in jail. But they sensed that the political establishment wanted to impose exemplary sentences as a demonstration of its own impartiality. And they did not want that.

Media liberals were anxious to secure convictions as a satisfying climax to their psychodrama of police brutality. As Lorrin Anderson points out to me, "The year-long showing of America's Favorite Home Video was surrounded on television by a barely disguised, lip-smacking *Schadenfreude*: the cops caught—*at last!* That's the way it is, folks, here in Amerika."

Ever resourceful, however, they quickly switched themes from police brutality to suburban racism. The jury, which had contained an Asian and an Hispanic, suddenly became "an all-white jury." It was hinted, none too delicately, that L.A. blacks would have been far more scrupulous jurymen—though I have yet to hear that impartiality requires the inclusion of Koreans in any juries that try rioters.

The broader political import of such reporting was that Ronald Reagan and George Bush were to blame for all this because of their policies of "racial division" illustrated by Willie Horton, who in the mind of Media Liberaldom has now become a symbol of White Racism. (For purposes of comparison, try imagining Ted Bundy as a symbol of feminist hysteria.)

A related theme dominated early reporting of the riots. They too were seen as the legitimate response of Urban and Black America to Reaganism and Bushism—"Rage," "Frustration," "Years of Neglect," and so on. It was the *unanimity* of the mainstream press and network news that was truly arresting. The same themes, the same policy programs, the same *words* came tumbling out of the mouths of supposedly independent reporters.

Watching network TV in particular was rather like living in a one-party state whose vast propaganda apparatus was ultimately dependent upon the talents of one overworked clerk. Dissenters were allowed a say on discussion programs. But news reports were ideologically uniform.

Reporters have internalized the liberal analysis of "the urban crisis" so completely that they report *it* rather than what is in front of them. "Rage," they intone, as cheerful looters rush past the camera laughing at their good fortune. "Protestors," they explain, as criminal gangs beat up passersby.

As with the Rodney King jury, their eyesight is disabled by their imagination. They both witness people carrying out violent attacks—but what they see are defenders of the people.

A propos of which, two points: the jury has the better case for its belief—and it will influence public debate only once.

—JOHN O'SULLIVAN

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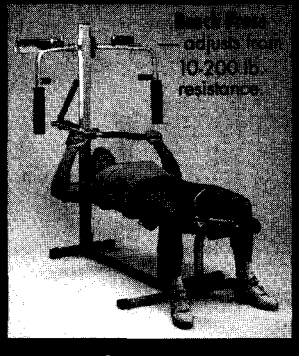

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FOR THE RECORD

■ **Thomas Humbert**, a longtime aide to HUD Secretary **Jack Kemp**, resigned to run as an independent against incumbent Rep. **William Goodling** (Pa.), a moderate Republican who has been loyal to President **Bush**. Another Kemp aide, **Mary Brunette**, who had planned to leave later to run Humbert's campaign, was summarily fired by the White House, reports the *Washington Post*. An Administration official commented on firing: "If you want to describe yourself as a '**Reagan**–Kemp' conservative [as Humbert does] that's fine, but not while you're serving in the Bush Administration." Miss Brunette has said Kemp will help Humbert "in any way he can." . . . **David Duke** left presidential race with a whimper, garnering double digits only once (Miss., 10.5 per cent) and taking only 8 per cent in home state, Louisiana. **Gary Koops**, RNC press secretary, on Duke's desire to continue in GOP nominating process: "I read that he was going to get a ticket for the Republican convention—*not*!" . . . **Pat Buchanan**, many concede, stole Duke's show as alternative to Bush. Buchanan's campaign may be helped by his response to L.A. riots. *Wall Street Journal* reports Buchanan is still receiving $75,000 to $100,000 a week and has expanded mailing list to over 75,000 for possible 1996 bid. . . . Pollster **Earl de Berge** sees Green Party as a potential big force in the Nineties. It is on the ballot in Alaska and will be soon in Arizona, California, Pennsylvania, and Hawaii. Poll shows 1 of 10 Arizonans would vote for a Green Party candidate. . . . **Peter Grace**'s Citizens Against Government Waste ranks members of House and Senate on their votes on bills that impose or relieve direct financial burdens on taxpayers. Rankers range from "hostile" to "heroic," with "lukewarm," "friendly," and "unfriendly" in between. In Senate "hostiles" beat "heroics," 23 to 15. **Robert Byrd** (D., W.Va.), who delivered a six-and-a-half-hour speech on Senate floor denouncing efforts to give President line-item veto, was ranked "hostile" in both 1991 and 1992. . . . **Claxo** Institute for Digestive Health and the Digestive Disease National Coalition released study that finds that nearly 75 per cent of congressional staffers suffer heartburn or indigestion at least once a year, far higher than national average.

■ Parroting U.S. liberal mantra, **François Mitterrand** laid the blame for rioting in Los Angeles at feet of —who else?—Ronald Reagan and George Bush. . . . A Japanese official chimed in, saying, it proves "the sickness of American society." . . . Chinese Foreign Ministry spokesman criticized U.S. for "human-rights violations." He added that "serious racial discrimination and abuse of force by police do exist in the U.S.A." . . . Back home, fellow panelists on CNN's *Capital Gang* chuckled when columnist **Mona Charen** argued that riots were result of "25 years of liberal social policy" in the inner cities.

■ Grumbling has begun over Maastricht. Only 35 per cent of Germans think monetary union a good idea, according to a **Harris** Research/United Parcel Service poll. Some 20 per cent of German businessmen—thought to be the most vocal supporters of union—feel nation could not live up to agreement. With Maastricht ratified, Bonn would be forced to change from Deutschmark to an all-European currency. . . . In Italy, 77 per cent think their country would not fulfill agreement; in Belgium, 58 per cent; in Britain, 29 per cent; in France, only 2 per cent. French conservative parties have endorsed agreement but argue about process by which President Mitterrand's Socialists have chosen to ratify it. . . . Denmark will hold referendum June 2 on whether to join Maastricht; polls find 32 per cent in favor, 36 opposed. . . . Despite reluctance of prospective members, **Frans Andriessen**, external-affairs commissioner for European Commission, has urged a "deepening" and "widening" of its supranational powers. . . . In Italy, **Alessandra Mussolini**, thirty-year-old granddaughter of *il Duce*, turned up in miniskirt and orange silk blouse to claim grandpa's old parliamentary seat, having won election in April. But when she arrived, a Neo-Fascist colleague was sitting in it and refused to move. Miss Mussolini took another place, but said: "If they don't give me my grandfather's seat, I might take the prime minister's [currently vacant]. Someone has to sit there, and it might as well be me." . . . With Israeli elections scheduled in June, recently arrived former Soviet Jews are following Western democratic adage: vote your pocketbook. Latest polls show former Soviets have switched from the government coalition to the Labor Party because of **Yitzhak Shamir**'s failure to produce sufficient jobs and homes for new arrivals. . . . Moscow weekly *Top Secret* claims KGB tried to poison (by injections in his candy) **Aleksandr Solzhenitsyn** in 1971. Article says Solzhenitsyn suffered skin problems at time of the alleged attack. . . . While funeral of Grand Duke **Vladimir** was celebrated with great ceremony in St. Petersburg, body of former Albanian dictator **Enver Hoxha** was exhumed and buried in commoners' cemetery.

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"I want a second opinion!"

■ House Speaker **Tom Foley** defends response of congressional leadership to public discontent: "We have eliminated the House Bank. We have raised the gym fees. Members now have to pay to get their cars washed. And we are stopping the practice of issuing drugs to members."

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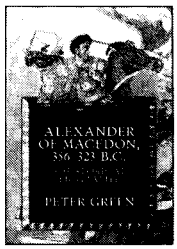

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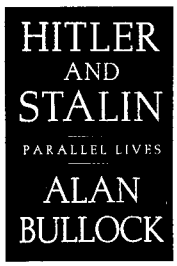

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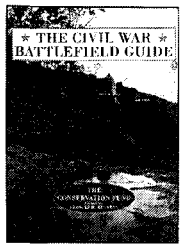

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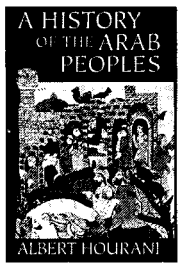

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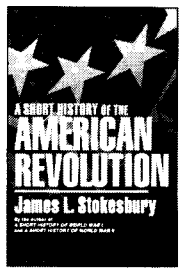

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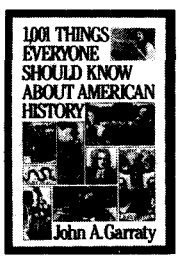

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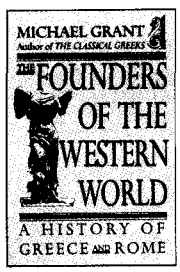

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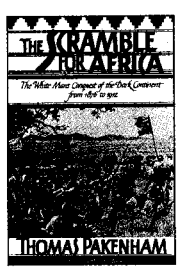

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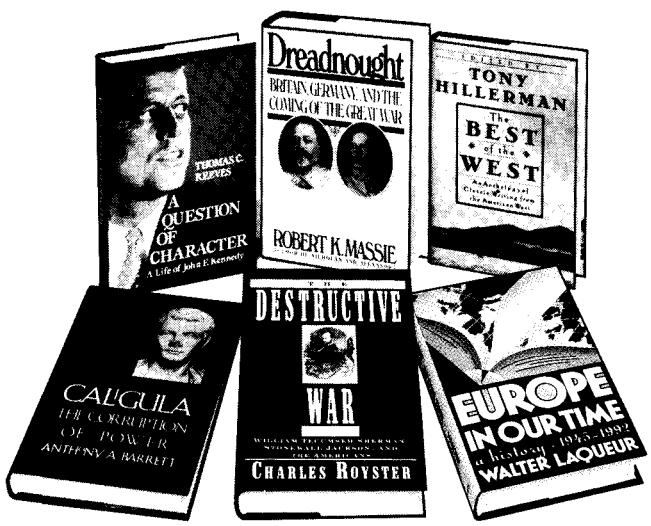

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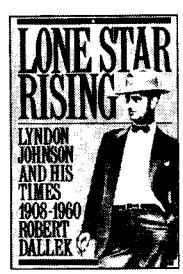
8797. $30/**$22.50**

4267. $25/**$17.50**



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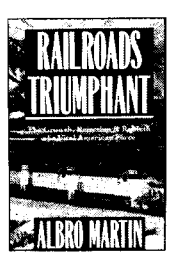

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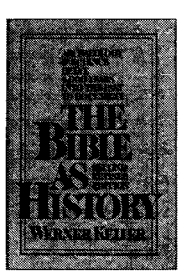

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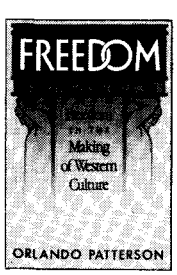

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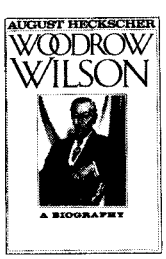

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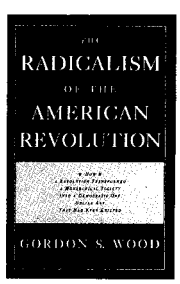

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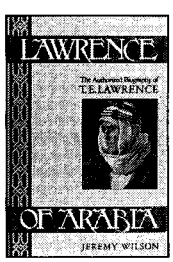

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THE WEEK

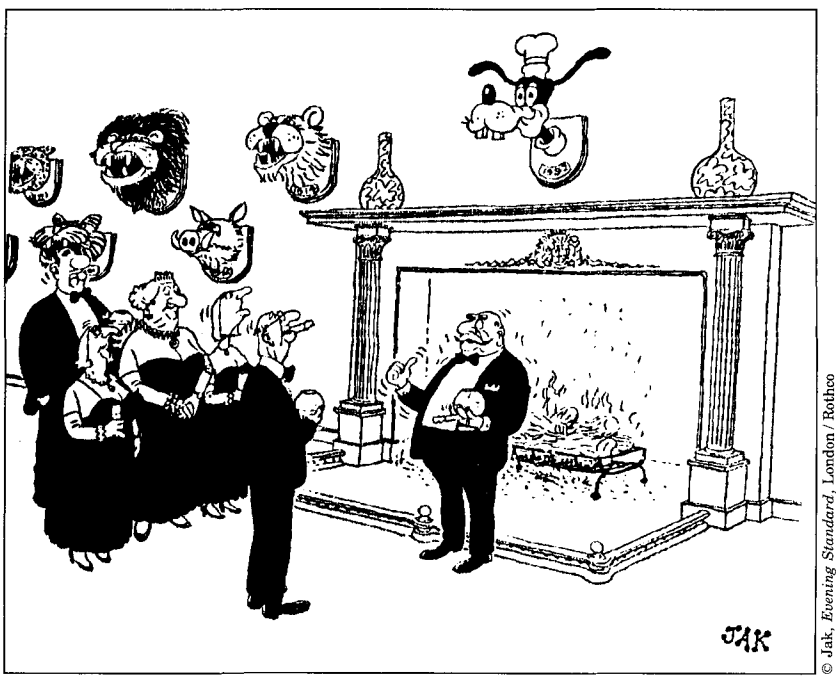
■ We're getting a little tired of: wake-up call, 12 years of neglect, unresponsive system, frustration and despair, root causes, widening gap, need for new programs, legacy of racism, plight of the inner city, war on the poor, long hot summer, and healing process. As a great Angeleno, Sam Goldwyn, once put it, we need some *new* clichés.

■ We listened carefully for days, but we didn't hear a single commentator refer to violent attacks on Koreans, whites, or Mexicans as "hate crimes."

■ It's tempting to install a real anti-establishment outsider in the White House, but the glass slipper doesn't quite fit H. Ross Perot. The *New York Times* is but the latest establishment news organ to give a long, detailed account of Perot's close ties to various levels of government, starting with Medicare and Medicaid contracts in the Sixties. Perot was an astute businessman, all right: he was among the first to see the huge profits that lay in catering to Great Society programs. He has also been reluctant to discuss possible conflicts of interest in his ties to Texas Blue Cross/Blue Shield, which administered the enormous Texas Medicare and Medicaid programs. The frankly liberal Michael Kinsley confesses to having a "soft spot" for Perot, despite his "strutting egomania" and a certain whiff of "fascism" in his appeal: he is "pro-choice on abortion, live-and-let-live on gay rights and other lifestyle issues, pro–gun control," and also "for government spending and for redistribution on the basis of shared communal values." Why should such a man oppose the leviathan state? Without it, he'd be just another lousy multimillionaire.

■ The events in Los Angeles last week eliminated the chance that anyone would pay attention to more promising news out of the Golden State, such as the first assessment of a six-county experiment in welfare reform. Greater Avenues of Independence nudges recipients of taxpayer generosity to train themselves for work, then to go out and get some. In Riverside County, east of L.A., the authorities nudged in such a way as to reduce welfare payments by 7 per cent, while the income of the recipients rose by 65 per cent. Not bad. Meanwhile, in Sacramento, Governor Wilson had also been talking about dole-reform. In a state where there will soon be barely three taxpayers for every AFDC beneficiary, this was none too soon. But while Wilson's plan contains useful features—it penalizes healthy adults who refuse to work and welfare "shoppers" who move to California from other states—its main component is merely an across-the-board cut in benefits to welfare families. The amount saved is not enough to solve California's swelling dilemma, but the cuts will leave Wilson (and anyone who supports him) prey to liberal accusations of mean-heartedness. The welfare culture of helplessness will scarcely be touched by the governor's closing the mouth of the feedbag by a quarter of an inch. Better to try something new, something that provides a means of escape from the self-contained world of government dependence. Better to look to Riverside.

■ You've got to give the Ortegas an "A" for effort. Two issues ago, *NR* reported how Nicaragua selected Daniel O. to come to Washington to rattle the tin cup for more aid; not exactly a chapter in How to Win Friends and Influence People. And now, *NR* has learned, Managua is planning to send Ricardo Wheelock as military attaché to its Washington embassy. Señor Wheelock's résumé includes stints as the head of Sandinista military intelligence—which means he is the man who orchestrated much of the anti-Contra action—and the Sandinistas' first ambassador to the USSR, back when there was a USSR. Wheelock's brother Jaime, of course, was one of the nine comandantes. It's all like a Jerry Lewis film: hard to tell



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"And this brute got within six feet of me just outside Paris!"

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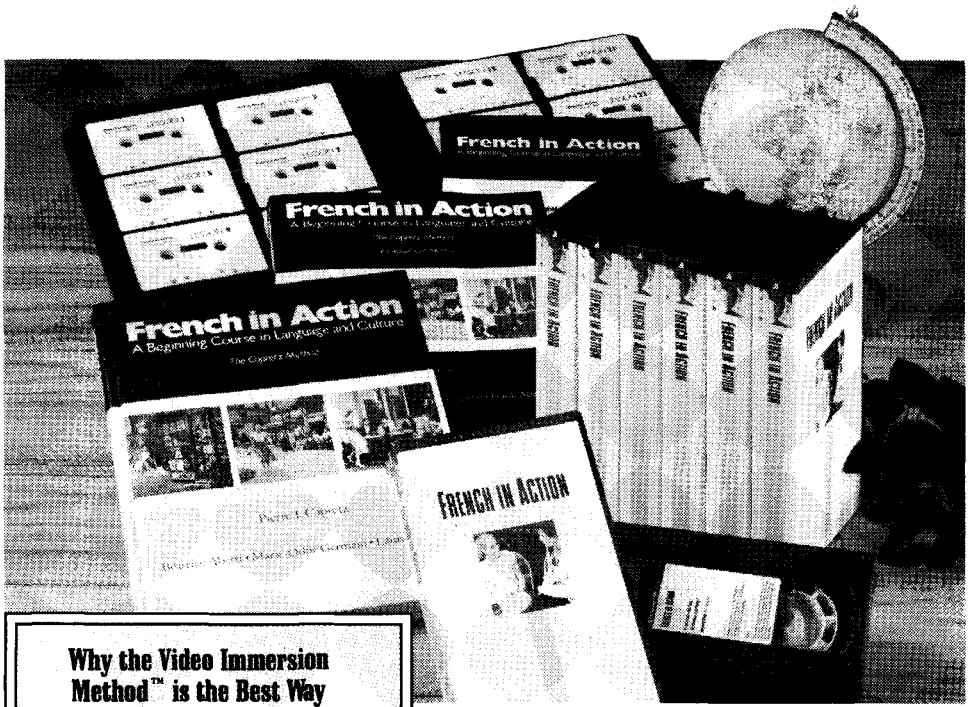

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whether you're laughing at his ineptness or he's really laughing at you.

■ Russia and most of the other ex-Soviet republics have now been admitted to membership in the IMF and World Bank, which makes them eligible for $25 to $30 billion in financial aid in the coming years. Legislation before Congress would authorize a $12-billion increase in the U.S. commitment to the IMF as the latter expands to take on the new task. On balance we favor this, in order to entrench Russian democracy at least long enough to secure the independence of the new republics and build a cordon sanitaire between Russia and the West. But we have reservations about the IMF's traditional penchant for austerity and tax hikes at the expense of growth policies. Yeltsin has expressed his own reservations, partly to calm nationalist fears that he is selling out the Russian patrimony. Moves by Democrats in Congress to hold the U.S. legislation hostage to various domestic jobs bills are, as usual, wrong as well. It is important to the world that the ex-Soviet republics be given every chance to make it. We have to contribute our share, but also keep our eye on how the IMF does the job.

■ The *New York Times* removed *Brother Eagle, Sister Sky: A Message from Chief Seattle* from its nonfiction best-seller list when it turned out that the ecological sentiments the book attributes to Chief See-ahth—"What will happen when the buffalo are all slaughtered? The wild horses tamed?"—were in fact written by an environmentalist paleface in 1971. See-ahth, an historical early-nineteenth-century figure, probably never saw a buffalo, since he lived on Puget Sound, not prime buffalo territory. Parson Weems would understand.

■ We can't help noticing the disparity of indignation between liberal opinion's sympathetic exegesis of the L.A. riots and its severe condemnations of Operation Rescue. Surely even advocates of legal abortion can understand that the Rescuers regard abortion as the chief barbarity of our time, and act accordingly, (nonviolently) blocking the places where fetuses are regularly killed. In so doing they expose themselves to arrest and police brutality, which, though amply videotaped, has failed to excite liberal and civil-libertarian outrage or the attention of the Justice Department. And not a single Rescuer has been seen toddling off with a color TV set.

■ While we think it's simplistic to blame the riots on any single factor, Patti Davis's latest book about her mother surely didn't help.

■ Now watch George Bush lose the *Korean* vote.

The Life of a Fireman

The cops rode on the running boards
  As helicopters scanned
A driver kicked insensate while,
  Below, the cameras panned
Scenes Currier could not have dreamed,
  Nor Ives, whose famous print
Appeared before the madding crowd
  Made firefighters sprint.

W. H. VON DREELE

Preserve and Protect

'PEOPLE are acting out of frustration and hopelessness," was how Representative Maxine Waters reacted to the riots which leveled her Los Angeles district. "People who are thinking that way don't think rationally. They act." And people who think the way Representative Waters thinks don't speak rationally, they just speak. She was hardly alone, however. Even as stores were smoking, and passersby being gunned down, liberals saw the violence as a sociological, if not political, act, so that a man filling the trunk of his car with cases of booze was making a statement about America's urban crisis.

The liberal remedy, as always, was to remove the root causes of frustration. The discredited Kerner Commission, which declared that America was two nations, "separate and unequal," was cited as if of Biblical authority. Even though America has spent hundreds of billions of dollars fighting poverty, liberals insisted we have not spent enough. We have been particularly remiss during the last "12 years of neglect" (Richard Gephardt, though the phrase quickly became a media mantra and has now been picked up by Bill Clinton.)

In fact, money is clearly not the problem. The Federal Government will spend $731 billion on social programs this year, 5.3 times more (in constant dollars) than in 1965. When you factor in state and local efforts, the nation now funnels well over $1 trillion into social welfare, or about 19 per cent of GNP, as against 11.5 per cent back in 1965. (L.A. County, by the way, received more federal money in 1991 than any other county in the nation.) Nor did this growth halt during the Reagan years. In the eight-year period starting in 1981, during which total population rose 8 per cent and the poverty population rose by less than 1 per cent, means-tested federal spending on children and families rose 18 per cent.

But low-income blacks may be finding what con-

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servatives have long maintained: namely, that social programs have hurt blacks rather than helped them. In 1960 more than three-quarters of black families were intact; by 1985 only half were. Today more than half of black births are illegitimate; as recently as 1970 fewer than one-fifth were. Before the Great Society, black and white males aged 16 to 24 participated in the labor force at similar rates. By the mid 1970s non-participation was at a 40 per cent rate for black youths, versus 25 per cent for white youths. The record number of jobs created during the Eighties did little to raise the percentage of young blacks actively seeking employment.

But for those black families that remained intact, and those youths who stayed in the labor force, the Eighties were a time of unbroken advance. By 1990 half of all black families headed by a married couple had incomes above $33,393. During the eight years of the Reagan Administration the number of black families earning more than $50,000 (in constant 1988 dollars) jumped from 392,000 to 936,000. Nearly one-third of the jobs created during the Eighties went to blacks and Hispanics, who together account for only 18 per cent of the labor force. But a gap that widened significantly during the Eighties was the one between rich blacks and poor blacks. And government intervention, in the form of liberal social programs that break up families, is to blame for this disparity.

Some conservatives, it must be said, used the argument from frustration to push their own remedies. HUD Secretary Jack Kemp argued that the liberal welfare model was "deeply, systemically flawed. . . . It prevents [people] from saving, stops them from owning their homes and acquiring assets, discourages work, and, worst of all, subsidizes family breakup. The combination of tax disincentives and a flawed welfare system has shattered the link between human effort and reward." All true, and the policies Kemp pushes—urban homesteading, school choice, inner-city capital-gains tax breaks—are sensible alternatives. But they are not a riot-prevention package, for lack of which South-Central burned.

Liberals and supply-siders alike make an important moral miscalculation. Perverse incentives will always discourage work and encourage family breakup. But only people with the character, energy, and persistence to work and keep a family together will benefit from the right incentives. Almost three decades of liberalism have vacuumed these qualities out of ghetto residents, transforming poor people into a shiftless and criminal underclass. What society must now do is reverse that process.

We need welfare, training, and employment policies that instill habits of hard work and perseverance, nurture the family, reinforce authority in home, school, church, and—yes—law enforcement, and which include disincentives for anti-social and self-destructive behavior. If restoring economic prosperity was the politics of the Eighties, then the politics of the Nineties must involve restoring the concepts of good character and public decency.

This will not even begin to be possible unless law and order is restored to all parts of society. People neither can nor will work hard, acquire skills, invest in businesses, and raise decent families in conditions of anarchic criminality. Every society has a criminal class ready to swing into action, in addition to marginal people—the guy filling his car trunk—who are willing to profit if there are no consequences. In Los Angeles, they were given free play, and the smoke rose and the morgues filled.

What political leaders need to say on these occasions are two simple things. First, it is morally inexcusable—without qualifications—to riot, steal, rape, and murder. Second, the law will be enforced with whatever force is necessary—and without delay. Any qualification to the first—or any hesitation in doing the second—amounts to incitement to crime.

How did our political leaders respond in reality? All too often there was the clanking sound of calculation in their rhetoric. All of them evolved from condemning the verdict to condemning the rioters as the pile of corpses mounted.

President Bush came close to expressing a moral equivalence between the police brutality on the videotape and the murderous violence of the rioting mobs. But the President did say clearly that he could "make no apology for the rule of law and the requirement to live by it."

Governor Clinton began badly by attributing the riots to "the pain and agony and anger that was generated in the aftermath of the King case." He too came around to accepting that even the King verdict was not an "excuse" for arson, plunder, and murder, but he quickly shifted back to root causes.

H. Ross Perot issued a typical politician's statement, balancing the jurors against the rioters in a carefully nuanced condemnation. It was left to Pat Buchanan to make an unqualified demand for public safety, maintaining "the lesson to be learned from it is that we need authorities with the moral will to use the force at their command to protect their communities from these kinds of elements which are rampant in America's great cities, *no matter how they got that way*." (Our italics.)

What does it tell you when the clearest thinker on the riots is Rodney King himself: "I can understand the upset for the first two hours after the verdict, but to go on, to keep going on like this, and to see the security guard shot on the ground; it's just not right"? Mr. King's statement was notable as for what he left out: there was none of the "understanding" that the Reverend Jesse Jackson and D.C. Mayor Sharon Pratt Kelly had for the looters, none of the "righteous anger" of Representative Maxine Waters,

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not even the pleas for more urban aid that characterized most of the talking heads.

In short, the political reaction to the Los Angeles mayhem helps reveal why we had it in the first place: a lack of authority among our political leaders with regard to their paramount duty to protect the citizenry, and a lack of insight into the moral collapse of liberalism that lies at the root of the riots and looting. The fact that most of them changed their positions over time speaks volumes, because we doubt that the average citizen's opinion evolved much from the moment he saw the first shop looted or first innocent person hurt. Even Mr. King knew that much—and he knew it right away.

Mob Justice

IN DECIDING whether or not to re-try the case against the four officers, the Justice Department is faced with several difficult issues, including 1) avoiding the appearance (and reality) of being influenced by inappropriate factors such as civil unrest in the streets; and 2) overcoming the burden of providing the defendants with a fair trial in the light of the implication that a second jury must return the "right" verdict or be responsible for the devastation of Oakland or Newark or Atlanta.

In addition, the Department must disavow the view that jurors in a criminal trial are to be considered "representatives" of various racial and ethnic interests. The absence of black jurors in the King case accounted for what one critic described as a "legal lynching." The premise that jurors are to reflect prevailing notions among their racial and ethnic peers rather than simply the dictates of their own consciences is one radically inconsistent with the jury system.

Hearing the Los Angeles jurors explain their decision, one cannot help concluding that they acted in what they at least viewed as a fair manner. There was the eight-mile automobile chase; the drunkenness and criminal history of Rodney King; his physical resistance; the fact that other occupants of the vehicle were apparently treated respectfully. And, of course, there was their sense that our inner cities are fearful places to be and that the policeman's job is a dangerous one not liable to easy second-guessing. Reasonable people can question the "not guilty" verdicts in the light of the video, but to sum up all of these considerations as suburban racism is itself a pernicious social prejudice.

A federal prosecution following a state acquittal does not necessarily violate the Sixth Amendment's clause against double jeopardy, but it nevertheless is unusual. Civil-rights cases are particularly difficult since the prosecutors must demonstrate that the policemen's actions were inspired by the victim's race as opposed to his criminal status or conduct, or by sheer churlishness. Persuading 12 jurors of this motive "beyond a reasonable doubt" will not be a simple proposition.

The critical question is: "Why should a second prosecution result in a different verdict from the first?" If the answer turns in any way upon the violence engendered by the first verdict, then the Justice Department will almost certainly view a second prosecution as untenable. To conclude otherwise would be to place upon a jury responsibility for consequences that are not properly its to bear. No juror should have to weigh his decision on guilt or innocence under these circumstances.

Any court watcher in any big city knows that perplexing verdicts of the Rodney King sort occur daily. How can a New York City jury acquit of murder a man seen by dozens of persons in the act of killing Rabbi Meir Kahane? How can a Detroit jury acquit a black defendant seen assaulting a white victim on another video played throughout the nation? What the Justice Department must avoid are the imputations that a miscarriage of justice will be remedied only when mobs riot, and that the rioters themselves will be treated indulgently because they are objecting to a presumed miscarriage of justice. The Attorney General's formation of a joint federal–state task force to investigate and prosecute riot-related criminal activity will do something to banish these imputations. The principal message must be that the rioters on the streets of Los Angeles are responsible for the destruction of that community, and no one else.

Girls, Girls, Girls

THE American education establishment takes the same approach to self-reform as many misguided fat people do to fad diets. Like the overweight gentleman who tries one blubber-reducing scheme after another and yet only finds himself getting fatter, American schools and their liberal advocates pin their hopes on a never-ending series of reports from the "experts." The most recent such report, *How Schools Shortchange Girls*, comes to us from the American Association of University Women. Evidence of the shortchanging consists of this: At the high-school level girls perform less well in math and science than boys. Hence, says the AAUW, girls are the objects of discrimination. "Bias against Girls Is Found Rife in Schools, with Lasting Damage," agreed the *New York Times*.

But there is this nagging logical problem: Do discrepancies in performance between groups indicate prejudicial treatment? Then how come, according to just about every academic measure *except* perform-

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ance in math and science, high-school boys lag behind their female counterparts? As Chester E. Finn Jr. points out, our boys are more likely than our girls to be held back a year or two, to be placed in "special education" classes, and to drop out of school altogether. Girls test better in reading and writing; more girls go to college, and more graduate.

Are we to conclude that boys are the victims of discrimination in all areas *but* math and science? That would never do. For the past three decades American liberals have forced a certain mythological narrative on the understanding of life in America. According to this, our history has been one of white males victimizing everyone else. Facts that support this view are instantly publicized; those that contradict it, ignored or suppressed.

It is this narrative dynamic that produced so many earlier "expert" testimonies alleging educational discrimination against non-whites. Mr. Finn again supplies the data: Yes, whites outperform minority members in some areas. But when it comes to science, Asians, even Asian *girls*, tend to beat out white boys. In math, Hispanic whites beat blacks at the intermediate-school level, but by the time the kids reach senior year the ethnic rankings have reversed themselves. Assume that performance discrepancies are caused by institutional discrimination, and you get a web of byzantine convolution.

But then, if you accept the liberal narrative you're probably gullible enough to believe just about anything. The AAUW is composed of such believers, as is most of the education establishment, which it proves by its ongoing preoccupation with "expert" reports of this type. American schools, meanwhile, continue their downward spiral unchecked.

Iron Curtain Call

WE OWE the *New York Times* that apt description of Mikhail Gorbachev's latest visit to the United States, a highlight of which was a speech at Westminster College in Fulton, Missouri, where Churchill made his famous "Iron Curtain" address in 1946. Gorbachev deserves a dignified welcome in America. The very fact that he is the first ousted Soviet leader to survive and be permitted freedom of movement is, after all, a testimony to how far history has taken us. Gorbachev deserves credit for that.

But a dignified welcome does not mean treating him as a god-like figure, or even a head of state. *NR* continues to be of the view that Gorbachev's definitive accomplishment—the destruction of the Communist system—was in large part a mistake. (See Peter W. Rodman, "The Last General Secretary," *NR*, January 20.) We are also a little uneasy about his present motives. While he made an amusing spectacle arriving in the United States aboard Malcolm Forbes Jr.'s private aircraft, *The Capitalist Tool*, there are those back home who charge that his Gorbachev Foundation is nothing more than the Communist Party's old Institute of Social Sciences—a refuge of hack intellectuals—now profiting from Gorbachev's success as a fund-raiser.

Gorbachev has staked out a position as a stern Yeltsin critic, reflecting the views of the old Party establishment. In this regard the United States has no stake in him whatsoever. On the contrary, our true interlocutors are Yeltsin, Gaidar, and other democratic leaders struggling with the mess they inherited from Gorbachev's Communist Party. Gorbachev's vanity has even led him to compare himself to de Gaulle in exile at Colombey-les-Deux-Eglises, awaiting a comeback. *Quelle horreur.*

Lies and Damned Lies

IN A PROFILE in the May *Scientific American* of Joseph Needham, a distinguished 91-year-old British scientist, Marguerite Holloway discusses Mr. Needham's service in a 1952 commission that determined that "the U.S. had employed biological warfare during the Korean War." She leaves the impression that the "derisive and bitter reactions" to Mr. Needham's role were essentially political, an overreaction to the "inflammatory . . . inclusion of the testimony" of POWs. "But others, including a few scholars and journalists who have researched the matter, believe his observations were correct."

In fact, as a simple check shows—say, in David Rees's excellent *Korea: The Limited War*—the six-man commission was an arm of the World Peace Council, a notorious Soviet front, and part and papers of a disinformation campaign that began with a Moscow Radio Korean-language broadcast accusing the U.S. of "poisoning wells" and "the sending of lepers secretly into North Korea." Miss Holloway does not mention that the "testimony" of American POWs was 1) coerced through months of torture di-

At GOP Headquarters

They've got the goods on Clinton;
  The film is in the can.
Convention planning's moving
  Like Mr. Bush's bran,
But let a clerk say "Ross Perot,"
And all the guys get vertigo.

W. H. VON DREELE

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rected by Soviet personnel, 2) edited by the "journalist" Wilfred Burchett, then secretly a member of the Australian Communist Party, and 3) universally recanted by those victims who returned home. Miss Holloway leaves the impression that Mr. Needham actually used his scientific expertise to weigh the evidence; in fact, he told a 1952 London press conference: "We accepted the word of the Chinese scientists. It is possible to maintain that the whole thing was a kind of patriotic conspiracy. I prefer to believe that the Chinese were not acting parts."

We can pass over the prevarications of a old man justifying past follies, and are unsurprised that a credulous writer will jump at any chance to bash the United States. What we cannot understand, however, is how such an old, nasty, and bald lie made its way into the pages of a magazine which presumably has some familiarity with the concept of evidence.

JFK, the Sequel

OLD conspiracies never die, they simply snowball. In *JFK* Oliver Stone went whole hog: it wasn't just a little cabal of men who plotted to kill the President, it was the entire government of the United States. Even the liberals found it hard to believe that government could operate so efficiently, and Stone was skewered for his fantasies.

Inside the Beltway, alas, fantasies all too often have political consequences, and sure enough there was Oliver Stone testifying the other day about opening the JFK assassination files. This has attracted the support even of folks who don't think the entire United States was behind Lee Harvey Oswald. Before we start opening our secret files, it's probably worth knowing what those files are.

Most of them are statements taken by FBI agents. Every time an FBI agent interviews a witness, he fills out what's called an SD-302 form. Essentially it is a blank piece of paper on which the agent records the interviewee's name, address, etc.—and then the *FBI agent's* summary of what he has been told. The witness neither swears to nor signs the statement; only the agent's name appears.

As might be imagined, witnesses vary in credibility, and they offer information that might be true, false, or fantastic. Making it public would often hurt innocent people, an act of irresponsibility akin to publishing a reporter's notes without checking their accuracy. It will also guarantee that in the future agents will put *nothing* of importance in their files.

In the old days, we got around this problem by allowing the people's elected representatives on special committees to review all the secret files—in full context, and that's important—to make sure nothing was amiss. But then some members of these committees started to take it upon themselves to release highly confidential information. This in no small part contributed to the debacle of Vietnam and its aftermath. If Mr. Stone really wants a juicy scandal to put on the silver screen, there's one just waiting for him: Congress.

George Murphy, R I P

RONALD REAGAN is so thoroughly identified with the role of actor-turned-politician that it's hard to remember that others blazed that trail. Reagan wasn't even the first Hollywood star to win public office as an outspoken conservative. That honor belongs to George Murphy.

George Lloyd Murphy was born in New Haven, Connecticut, on the Fourth of July, 1902. Educated at the Peddie School and Yale, he worked as a Wall Street messenger and might well have had a business career. But in the early 1920s he met and later married Juliette Henkel, and they teamed as dancers in a cabaret act that prospered on the nightclub circuit. From there it was on to Broadway, and then Hollywood. In the course of 55 pictures, Murphy danced bewitchingly with Shirley Temple in *Little Miss Broadway*, played opposite Judy Garland in *Little Nellie Kelly*, and acted in patriotic films during World War II.

Until 1939 Murphy had been a self-described "inactive Democrat," but in that year he changed his registration to Republican. Thenceforward, political interests shared his attention with his ongoing movie career. Twice he was elected president of the Screen Actors' Guild, and in 1950 he received a special Oscar "for interpreting the motion-picture industry correctly to the country at large." He served as chairman of California's Republican state committee, and as chairman of the program committee at the Republican national conventions of both 1956 and 1960. In 1961, at the Hollywood Bowl, he staged a rally called "Hollywood's Answer to Communism."

So it wasn't altogether a bolt from the blue when Murphy sought and won the Republican senatorial nomination in 1964. More amazing, in that year of Barry Goldwater's defeat, was Murphy's victory over his Democratic opponent, Pierre Salinger. During his one term in the Senate, Murphy battled for larger defense budgets as a member of the Armed Services Committee, and fought hard for a bill to give governors veto power over the activities of hot-eyed liberal lawyers in the Legal Services Program.

After his defeat for re-election in 1970, Murphy continued active in the conservative movement, founding American Cause as a conservative answer to Common Cause. In 1982, Juliette having died

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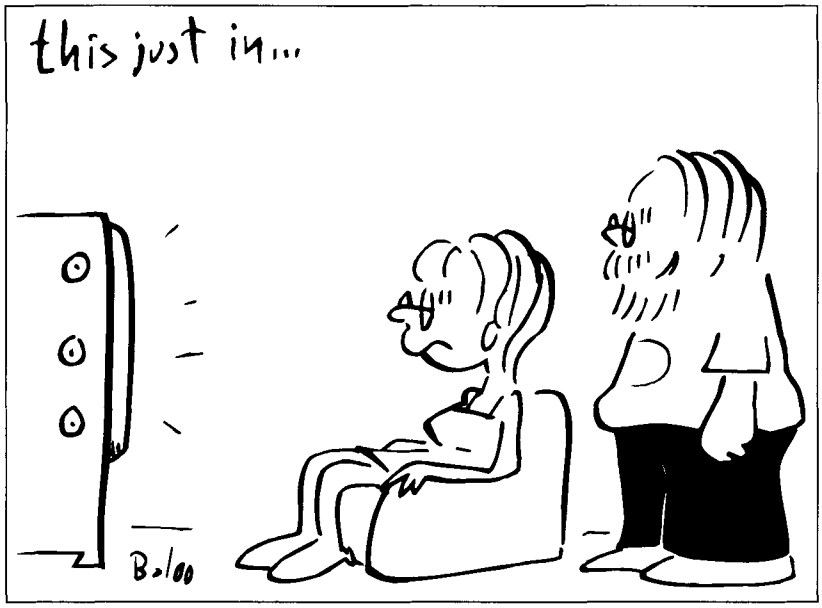

"Maybe Bill Clinton wasn't in Vietnam, but he sure was in the Sexual Revolution."

some years earlier, he remarried and moved to Palm Beach, Florida. It was there that he died, of leukemia, on May 3.

Murphy's eyes had that prototypical Irish twinkle, and his political style was (seemingly) as effortless as his dancing. He understood and once explained what Ronald Reagan knows and every conservative should remember: "You can say all sorts of things if you say them with a smile and you say them kindly."

—WAR

NOTES & ASIDES

■ Dear Bill:

When your correspondent and poet Auburn J. Lamb [*NR*, "Notes & Asides," March 16] wrote "the chiff-sound of the thrush," he was half-remembering that *chiff chaff* (or *cheef cheef chaff*) is the usual transcription for the song of the warbler (*Phylloscopus collybita*), whose cousin, the Lesser Pettychaps, is also known as the Chiffchaff.

Helpfully,
Guy [Davenport]
Lexington, Ky.

Dear Mr. Buckley:

I was struck that Mr. Lamb, as well as your musically accomplished self, was unaware of the word "chiff." Chiff is the name for the sound the wind makes when an organ pipe first speaks. Organs of the North German and Dutch region from the baroque period were blessed with lots of chiff. This was considered ideal for contrapuntal works such as Bach, but unsuitable for the romantic-era works seeking to replicate orchestral effects. So most of the organs built in America in the 1850–1950 period lacked much chiff, because of the romantic voicing school. Then the baroque revival came, and we started building organs with chiff again, and this remains the general practice today. Some of the Allen digital computer organs used to have switches or stop knobs labeled "chiff," which would add an enhanced windy attack sound to more closely resemble this pipe organ effect.

Respectfully,
Bruce W. Walters
Norman, Okla.

Dear Mr. Buckley:

The Dictionary of Pipe Organ Stops, Second Edition, by Stevens Irwin, p. 415, says this about chiff-tones. "In the acceleration period of one-half to one one-hundredth of a second the air columns (not so much reeds) make immature approaches to true harmonic pitches, continually changing in pitch."

I would describe "chiff" as a transitory soft sibilant heard at the start of the sound produced by an organ pipe, caused by an inrush of air encountering the pipe lip.

Sincerely,
Jay A. Munn
Phoenix, Ariz.

Gentlemen, ladies: We have over two dozen letters on the pronunciation and meaning of chiff, chieff, and chiffchaff, which are unquestionably the biggest word-sleepers in our experience. Our thanks, and kindly desist from sending more! Cordially, WFB

■ To: The Buckley School of Public Speaking
From: C. Jay Alett

What irony: The apotheosis of incoherent elocution and mumbling on television conducting a school of public speaking. Apparently Mr. Buckley has something worth while to say. However, slouched in his chair with his hand over his mouth, the public has great difficulty deciphering what he tries to articulate.

Sincerely,
C. Jay Alett
Roswell, N.M.

Dear Mr. Alett: The Buckley School of Public Speaking is run by Mr. Reid Buckley, my younger brother, who won all the prizes in public speaking when at Yale. He thoroughly agrees with you about my delinquencies and has offered me free tuition at his school. Why don't you attend and let me know if it's worth while? Cordially, **—WFB**

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ON THE SCENE

The Fire This Time

HAROLD JOHNSON

Fred Carlson

LOS ANGELES

ON THE sidewalk in front of a burned-out swap meet on Hollywood Boulevard, forty or so Korean immigrants—children, parents, grandparents—huddle together chanting, "We want peace!" The women are weeping. These families had run shops in the swap meet before arsonists destroyed their livelihoods. "Their homes have been torched, too," the swap-meet manager tells me. "They've lost everything."

The sun beats warm this May morning in the aftermath of the terror sparked by the Rodney King verdict. The fires are out. The smoke that looked like nuclear winter has lifted. But the scars of two days of urban war stretch for miles throughout Los Angeles, from the epicenter south of Wilshire Boulevard, north through Koreatown to Hollywood, and out to the Fairfax area that nestles not far from the upscale Westside.

Thomas Hobbes would recognize the scene, the misery of the swap-meet people and hundreds like them, Asian, Hispanic, black, white. It is the epilogue to an orgy of brutishness. In one of the great melting-pot cities, the crust of civilization crumbled along racial lines. At ground zero—black and Hispanic South Central Los Angeles, where murderous gangs did their worst—the blocks of gutted buildings call to mind Beirut or the Blitz. Across the city, more than forty people have been killed, hundreds injured, scores of homes and apartments burned down, thousands of jobs gone up in smoke.

"We want peace!" I hear the plea again while driving through Mid-Wilshire, where traffic is halted by a mile-long procession of Koreans protesting the rampage. Everywhere there are armed troops in camouflage fatigues. That wasn't the case when the firestorm was hottest—a fact that has many residents angry. The LAPD stood back as rioting spread, and the National Guard didn't motor in until the mayhem, and party-like looting, had been under way 18 hours.

Why the snail's-paced show of force? Blue-ribbon panels will chin-rub about that question, but the message came through immediately to average residents: You can't depend on the authorities; only you can protect yourself. (One lesson apparently has been taken away from the crisis: some now say an earthquake kit isn't complete without a gun.) As looting surged, many merchants armed themselves—if they could. Frightened people who wanted to buy guns for protection ran up against restrictions, notably the state's 15-day waiting period, that highlighted the bankruptcy of liberal solutions.

The first battalions on the scene were not the military, but the apologists. Of course rioting is wrong and self-defeating, went their ritual disclaimer, but nevertheless . . . The standard rationales came tumbling forth from the anointed cadre who can't bring themselves to hold thugs accountable when they happen to be members of politically approved minority groups. We were witnessing another "Boston Tea Party," said actor Edward James Olmos, who saw in the anarchy poor people rebelling against oppression (misguided tactics, to be sure). In many cases, he said, they were stealing necessities (no mention of the plundering of lingerie from Frederick's of Hollywood, or the looters who were spotted piling out of BMWs). Looters came in all colors, but we were told attention must be paid to black frustrations and the sins of a racist society. Jesse Jackson, Representative Maxine Waters, and the usual choristers sang the song. The Rodney King verdict, ran the refrain, was a racist outrage that poured gasoline on a pre-existing reservoir of anger.

The irony, of course, is that the bitterness nursed by many blacks is largely the bequest of people like Reverend Jackson and Representative Waters, who have a stake in fomenting divisive race-consciousness.

What to say about the verdict? Even if you consider it wrong—I do; the four cops kept whaling away even when the videotape shows they could have handcuffed King—there are plausible explanations other than bigotry. "The prosecution blew it," says former L.A. County District Attorney Robert Philibosian. Not calling Rodney King to testify about his pummeling helped reinforce the portrayal of him as a dangerous criminal, potentially out of control.

Also, filing felony charges, rather than misdemeanor counts, might have skewed the verdict, because a felony conviction would have sent the defendants up for a long spell—maybe too

Mr. Johnson is an editorial-page writer at the Orange County Register.

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long for some jurors who might have favored conviction with a milder sentence. Right or wrong, there is nothing unusual in juries showing deference to police, white or black—and not only juries in white bedroom suburbs like Simi Valley. Lawyers for cops have often found potency in the argument about the thin blue line dividing order from anarchy. If that's what clinched it for jurors this time, as several interviews suggest, L.A.'s ensuing descent into chaos is unlikely to have given them second thoughts.

The verdict also underscores the procedural roadblocks to convicting *any* accused criminal today, thanks to yeoman work by groups like the American Civil Liberties Union—which, it's worth noting, has wreaked no small damage on inner-city L.A. by contributing to the soaring crime rate. Yet there was Ramona Ripston, head of the local ACLU, in the unfamiliar role of hyperventilating about an acquittal. (George Bush was obliging, all but promising that a federal trial will follow. I know we're not supposed to call this double jeopardy, but I do have a question: Should we gear up for more riots if another jury says "not guilty"?) By the way, Miss Ripston's selectivity in identifying outrages is interesting. She sounded no alarms about the thuggish way L.A. police treated Operation Rescue protestors a couple of years back. And I haven't heard her beefing about the fact that Rodney King served well under a year for armed robbery.

What now for South Central? As I drive in that direction, I turn on my car radio and hear, for once, some wisdom on the subject. Urban analyst Joel Kotkin points out the politically incorrect obvious: If the black ghetto is ever to prosper, the old-line black elite must be supplanted, along with the psychology of victimization that they peddle. Self-discipline and self-help are the keys to a genuine black entrepreneurship, Kotkin says, citing the success that Koreans and other immigrants have made of that recipe. South Central, exhibiting all the pathologies of the decimated black family, desperately needs new leaders who will work to "change the cultural streams within the black community," Kotkin says.

I drive past Crenshaw High. A thought: The day the riots began, L.A.'s school system was set to start handing out condoms in high schools. Is it a stretch to see a symbolic link? The condom program is part of a larger phenomenon—the jettisoning from public life of objective moral norms and any pretense to moral authority. Kids are told implicitly: You can't hope to discipline your physical appetites, and, hey, the schools wouldn't dare encourage you to try—in fact, they won't weigh in about any other matter of values, either.

After telegraphing a relativist ethic in a thousand ways, and devaluing the goal of internal discipline, should we be surprised when we move from social vertigo to social breakdown, one day turning on the tube to see armies of looters carting booty away, gleefully untroubled by conscience? In a city of teeming diversity, some unifying moral principles might have to become part of common parlance again—at least if there's to be hope of sleeping soundly without being watched over by the National Guard. □

Don't Cry for Argentina

L. FRANCIS BOUCHEY

BUENOS AIRES

WHILE MOST eyes were turned to upheavals in the old Soviet bloc, Argentina finally looked itself straight in the eye and admitted that after a fifty-year binge of statist populism its economy was even more dilapidated than pre-Thatcher Great Britain's. Not even Peronist President Carlos Saul Menem could any longer pretend that Argentina bore any resemblance to the *Evita* era, the late Forties, when the country was second in the Americas only to the United States in total per-capita GNP and ranked above Italy and Spain in the world. As early as 1948, Argentina's relative economic position had begun to slip. By the time Menem was elected forty years later, the country's total GNP placed only fifth in the Americas, and its standard of living trailed that of Italy and Spain.

But today the land of vast pampas, sultry tango parlors, and incredible beefsteaks is turning around. Inflation is down from 1,396 per cent in 1989 to under 24 per cent for 1991 and may slip to single digits this year. The most European nation in the Americas, Argentina will more than emulate the Mexican turnaround and could rival the Chilean economic miracle that now promises 5 per cent annual growth for the rest of this decade. Abundant natural resources are an obvious plus for Argentina, but human resources give it the vitally important competitive edge in a post-industrial age. This combination makes Argentina a better bet for outside investors than any of the reforming countries of Eastern Europe.

The stagflation that had plagued Argentina ever since 1948 was deeply rooted in the corporate-statist system created by strongman Juan Perón and copied from *il Duce*, Benito Mussolini. Perón, who came to power in 1946 with the backing of the urban working class and the military, constructed his regime on the basis of the supremacy of politics over economics, an egalitarian ideology, and a bureaucratic corporate state. He promised to enrich the urban working class by a massive redistribution of wealth and a nationalization of the banks, railroads, telephones, and electric power, and by the expansion and intrusion of the public sector into all realms of the economy. He punished Argentina's important agricultural sector by taxing exports.

Although the dazzling economic growth Perón initiated lasted for only his first two years in office, the deep structural problems within the Peronist economy did not surface until after Perón was overthrown in 1955; thus a mystique of Perón's wonder years plagued Argentine politics for the next 17 years. Between Perón's ouster amid charges of moral turpitude and fiscal corruption, and his triumphant return in 1972, the country held four elections and witnessed six coups. No president completed his term. Finally, the generals who had held power from 1966 to 1972 allowed Perón to return from exile, recognizing that there could be no real solution to the unending crisis until Juan Perón himself de-

Mr. Bouchey is President of the Council for Inter-American Security Foundation.

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stroyed the mystique of Peronism among the urban working class.

A feeble eighty-year-old Perón was elected but died six months later, leaving power in the hands of his vice president, his wife Isabel, a former Panamanian strip-tease dancer. The Peronist movement was by then split between a revolutionary Marxist wing and the old-line anti-Communist labor barons. Civil war in Tucumán shocked that province and virtual anarchy reigned elsewhere, prompting the army to seize power once again in 1976. The ensuing seven-year interlude ended with the Falklands/Malvinas war, a comic-tragedy which thoroughly discredited the military, who then handed power to old-line politician Raul Alfonsín, elected president for a six-year term in 1983.

When the election to succeed Alfonsín was won by the standard bearer of the Peronist party, President Carlos Saul Menem, in May 1989, Argentina braced for another round of Peronist excess. Instead Menem succeeded in exorcising half a century of political instability and economic ruin, the Peronist-Populist legacy.

An unconventional Peronist from the rural, northwest province of La Rioja, long known for rugged individualism, Menem shrewdly perceived that the range of options was exhausted. The only future for his country involved re-embracing the "free-market paradigm" the Perón generation had abandoned. Just in time, Menem realized that Czechoslovakia's brilliant finance minister, Václav Klaus, was right when he said, "The third way can only lead to the Third World." President Menem began articulating anti-statist sentiments which now pervade nearly every segment of Argentine society.

Hope for Argentina's future rests on the technical, cultural, and educational standards of its population, which remain unmatched anywhere in Latin America. From the mid nineteenth century until the 1930s the country experienced a huge influx of Spanish and Italian immigrants, who made up 30 per cent of the Argentine population by the end of that period. Many French, German, and Eastern European immigrants also arrived during the first decades of this century. Today 97 per cent of the Argentine population is of European descent. This is reflected in a wide array of cultural institutions. A nation of 33 million people, Argentina has 1,528 libraries, 399 performing-arts facilities, and 318 museums; per capita Argentina has more libraries and nearly as many museums as the United States. Argentina's European legacy is manifested in private schools, mutual-aid societies, hospitals, sports clubs, and philanthropic organizations. Unlike most of Latin America, the country has a large, well-established middle class constituting 35 to 40 per cent of the population.

A highly literate and well-educated population is already a reality. According to UNESCO, Argentina has a scientific and technical pool of over 2 million, including 590,000 scientists and engineers and 1.8 million technicians.

Katherine Trunk

The country has a 92 per cent literacy rate for its adult population, only a few percentage points behind the 95.5 per cent U.S. rate.

Similarly, over 90 per cent of Argentines have at least a primary education of seven years of schooling, 20 per cent have graduated from secondary school, and another 6.1 per cent of the population over 25 years old has studied at the post-secondary level. This contrasts sharply with Mexico, where 34.2 per cent of the citizens over 25 have no formal education. Because of this difference in human capital, reforms similar to those undertaken by Mexico's President Salinas should show swifter results in Argentina.

Argentina boasts a thoroughly diversified economy. Her industrial and manufacturing sectors constitute a larger percentage of GDP than those sectors do in the United States, and industry is virtually protected from the threat of oil shocks in the large domestic oil production. The government now permits foreign corporations to develop oil fields and any other natural resource. In addition, Argentina has large natural-gas reserves, uranium deposits, and low-grade coal, none of which has been substantially developed. Hydroelectricity remains promising.

THE ELECTION of the colorful President Menem, who sports mutton-chop whiskers and indulges his passion for fast sports cars, may prove to be among the most important events in modern Argentine history. President Menem's wide-ranging program of economic liberalization and privatization aims at reducing the bloated public sector and opening up the Argentine market to the world. Under the leadership of Economy Minister Domingo Felipe Cavallo, Argentina's inflation has plummeted; the stock market and industrial production have surged ahead in the wake of bold institutional and structural change.

The Convertibility Law is the cornerstone which provides stability and generates investor confidence by making devaluation impossible and prohibiting cancellation of obligations in foreign currency. Employing a formula advocated by Johns Hopkins economist Steve Hanke, the Menem law effectively converted the Argentine Central Bank into a currency board, canceling the bank's ability to create fiat money. Instead, currency in circulation is tied directly to gold and to foreign-currency reserves.

This implicitly mandates a balanced budget because the government can no longer print currency to cover revenue shortfalls or monetize its debt. For the second half of 1991 the budget was in balance; it will show a surplus this year owing to better tax collection, reduced government expenditures, and profits from privatization.

The reform goals include expanding private investment, limiting the power of big labor and big business, reducing foreign debt, and obtaining capital to stabilize financial markets. Minister Cavallo's privatization is integral to the success of the overall program, since the proceeds from these sales and a $1-billion loan from the IMF are providing the capital needed to ensure economic stability during this transi-

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tional period. In the very first phase of privatization, the Argentines retired $7 billion of foreign debt and raised an additional $1 billion for the treasury from sales of state enterprises.

The seriousness of President Menem's program became clear late last year when his government sold off Entel, the state telephone company, Aerolineas Argentinas, the national airline, two television stations, petroleum reserves, and its stakes in several petrochemical companies. The public-works authority, Obras Sanitarias de la Nación, the Buenos Aires electric utility, a share in the Buenos Aires port facilities, steel and iron manufacturers belonging to the military's arms industries, and parts of the state petroleum company, Yacimientos Petroliferos Fiscales, are all slated for privatization by 1993. President Menem intends to have eliminated the state's role in financial services and most production activities before his term ends in 1995.

The abolition of the state monopoly over social security led to the privatization of unemployment insurance and retirement plans. The new system, modeled on the highly successful Chilean initiative, transfers a fixed percentage of the pre-tax income of Argentine workers into private social-security mutual funds chosen by the employee, instead of sending the money to the government. With the rapid expansion of these new social-security mutual funds, Argentina is now able to accumulate capital for private domestic investment.

Recently almost all restrictions on international transfers of money were lifted, and the government is issuing dollar-denominated bonds. The liberation of social security and the repatriation of overseas money revitalized the moribund stock market, which soared from an average daily volume of $1 million last May to more than $70 million today. It is estimated that an average $20 to $30 million of the daily volume is repatriated capital from abroad. The once powerful agricultural-export sector, long burdened with heavy taxes and duties, is now ready to return to its prominent position in world trade following export-tax cuts.

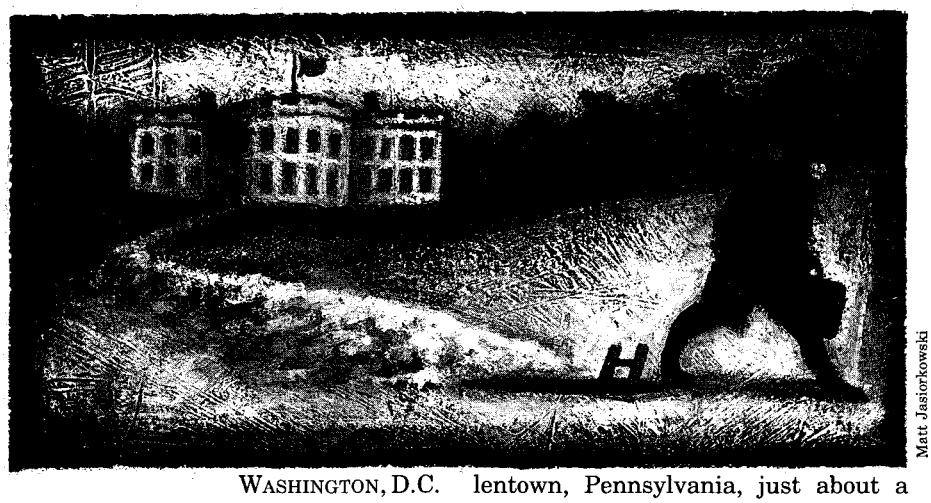
Processed food now accounts for more than half of agricultural exports. By using the debt-for-equity swap, new sources of capital are available to fund expansion of the food-processing industry. The Campbell Soup Company arranged for a $60-million debt-for-equity swap, which it used to build a new state-of-the-art meat-packing plant in Rosario. Other foreign investors, such as Louis Dreyfus and National Sea Products, have made similar deals in order to move into the Argentine market. Citicorp Capital Investors sponsored an investors' consortium to buy La Celulosa, the largest producer of pulp and paper products, from the government. These ventures reflect a spirit far from the autarchic xenophobia of Peronism.

President Menem's anti-corruption program is also bearing fruit. The director of customs in the free zone of Tierra del Fuego was arrested after it was revealed that he was involved in an export rebate fraud. In Buenos Aires, it was discovered that a special program for importing goods duty-free for the handicapped was being manipulated by members of the urban elite to buy luxury automobiles. The program has been cleaned up.

The Third World–oriented foreign policy initiated by the Peronists and mostly maintained by the generals has been replaced by a pro-U.S. and pro-European orientation. The restoration of diplomatic relations with Britain, denunciation of Cuban human-rights violations, and termination of Argentina's membership in the Non-Aligned Movement all illustrate the country's new and promising turn away from the Peronist politics of envy. □

Lamar's Choice

WILLIAM McGURN



Matt Jasiorkowski

WASHINGTON, D.C.

WHICH SIDE is Lamar Alexander on anyway? In early April the Secretary of Education was quoted in the *Washington Post* as saying that education would not figure in the Bush–Clinton presidential contest, because "How can you have an issue if there is little difference?" Although Alexander has been insisting to conservative groups from Heritage to Library Court ever since that he was misquoted—*of course* he's for school choice—his behind-the-scenes manuevers suggest that not only did the *Post* have the story straight, Alexander was telling the truth the first time: There *is* no difference.

A key example was President Bush's speech at Dieruff High School in Allentown, Pennsylvania, just about a week after Alexander's gaffe. The speech, written by Dan McGroarty at the White House, was a good one, loaded with pro-school-choice language. Alexander got hold of a copy, however, and he and his staff came down hard on McGroarty; in fact, word is that this was not at all the genteel Lamar Alexander you see at GOP socials.

Not that he came out against choice, you understand. He just wanted it toned down. Particularly distressing to the secretary was the passage wherein the President was to say that parents had the right to send their kids to any school, "public, private, or

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religious." There was a great deal of back and forth, and campaign strategist Bob Teeter happened to be walking down the hall and overheard some of it. His intervention helped keep the language in, because Teeter at least understands that this is a wedge issue against Clinton. There was some apprehension at the White House that Alexander, who was riding on the plane with Bush to Allentown, would perform some last-minute surgery, but the speech came off, with the lines about "public, private, or religious" schools intact.

This backroom tussle was reported by Fred Barnes in *The New Republic*. But what hasn't yet been reported are Alexander's remarkable statements since then. He knows he has a problem with conservatives, and he knows that conservatives rightly are focused on school choice.

That, however, is not what he's saying to staff. Behind the closed doors of the White House, Alexander has been remarkably frank about what he told the *Post* earlier. In fact, he has repeated it. "There is no difference between Bush and Clinton," he says. "I'm not going to go around the country saying it, but the difference is nuance." In meetings he also derides the idea of letting parents pick their kids' schools as an inside-the-Beltway issue with no broad appeal.

All this is entirely in character. Last year NATIONAL REVIEW reported a meeting between Senate Republican leaders and Alexander, in which the secretary was urging the senators to abandon school choice. Cut a deal with Kennedy, he said, to get an education bill through—any education bill—and get a photo-op with Barbara Bush in front of a New American School. Now, apart from the school-choice provisions, the President's America 2000 program is pure pork. Nonetheless Alexander never wanted the choice provision in the first place. Allowing parents to choose was muscled in at the last minute by then Chief of Staff John Sununu.

The upshot of all this is that school choice is going nowhere, and Bush is losing a defining issue with Clinton. Take the Allentown speech, which is supposed to be Bush's major education statement. In fact, the speech itself was very pro-choice. But it wasn't reported that way. The reason? The policy wonks in Alexander's department came up with a proposal to provide a $25,000 lifetime line of credit for any American who wants to continue his education—which provision, of course, would immediately lead to the creation of all manner of quack degrees and certifications from fly-by-night outfits hoping to milk the latest federal cow. Needless to say the press all hopped on board, focusing on the latest pork and ignoring the language on school choice.

That's the way they like it at Alexander's shop. Although the secretary likes to parade his tough credentials on education (as governor of Tennessee, he had run afoul of teachers' unions by pushing for merit pay), he turns to jello when school choice comes up. And he seems much more interested in staying out of any frays as he grooms himself for a run at his boss's job in 1996 than he is in furthering his boss's agenda now. Indeed, at a time when the President is talking about cutting government, Alexander has greatly expanded the Office of Inter-Governmental and Inter-Agency Affairs. Privately this is known as the vanguard of the Alexander for President campaign.

Alexander's behavior is the more startling because Bush knows school choice is a gut issue and inserts it in speeches even when it's not in the script. So far, unfortunately, he has been content to talk about choice and let it stop there, and some staffers speculate he doesn't know the extent to which his Secretary of Education opposes him on the issue. Conservatives, for example, have been urging the Administration to introduce parental choice in the Impact Aid that goes to school districts located next to military bases; this is something the White House could do unilaterally, using an area where the Federal Government already has a role as a test.

Such talk scares the bejesus out of the Alexandrites. Thus, whatever Bush may say about letting parents choose, and however valuable this would be in defining himself against Clinton, it all gets thrown to the winds because his own Secretary of Education doesn't believe there are any differences between Democrats and Republicans. "The sad thing is," says one White House staffer, "that so long as Lamar believes that and sits where he sits, there *won't* be any differences." □

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Only in Ohio

CIVIL WRONGS

Of the Warren Court's many assaults on law and order, extending the exclusionary rule to the states was the most devastating. And the 'case' that accomplished this was a counterfeit passed off by the ACLU.

LEON SCULLY

"Mapp v. Ohio brought to bear in favor of accused murderers and armed robbers a rule that previously largely had an application to bootleggers and purveyors of stolen lottery tickets through the mail."

—Rehnquist, J., 443 U.S. 927

THE exclusionary rule—which bars the use of evidence said to have been illegally obtained—was established in 1914 in *Weeks* v. *United States* but did little harm until it was applied to the states. So long as the *Weeks* rule was confined to federal cases, as Justice Rehnquist pointed out, its chief "beneficiaries . . . were smugglers, federal income tax evaders, counterfeiters, and the like." State crime is a profoundly different matter. Ninety-five per cent of the crime committed in the United States, and virtually all violent crime, comes under the jurisdiction of the states. Once the *Weeks* rule was brought to bear against the states the result was uncounted thousands of robbers, rapists, and murderers set free.

The case which accomplished this was *Mapp* v. *Ohio*, decided in 1961. Since then, the exclusionary rule has come to be accepted as a cornerstone of our jurisprudence. That violent criminals go free as a result is now accepted as the price we pay for liberty. But let us turn over this cornerstone and see what lies underneath.

The official version of *Mapp* v. *Ohio*, the one accepted by the Supreme Courts of Ohio and of the United States, was the following, put forth by A. L. Kearns and Walter L. Greene in the Jurisdictional Statement they filed on behalf of Dollree Mapp in the Supreme Court of the United States on July 14, 1960:

STATEMENT OF THE CASE

On the 23rd day of May, 1957, police officers, without the benefit of a search warrant, ostensibly looking for an individual who was wanted in connection with an extortion bombing, forced their way into defendant's private residence, which was the upper portion of a two-family house. Twelve (12) police officers had surrounded the private residence of the defendant where she lived with her 13-year-old daughter and forced their way into it. Upon demand of a search warrant, a piece of paper was held before the defendant without giving her an opportunity to view or read same. She was then handcuffed to the banister of the stairway while the search of her private residence was made. This alleged search warrant was never proved or even tendered in the trial court upon request of the defendant. Nor was there any evidence introduced that any search warrant was ever issued.

Thereafter, the police officers, frustrated in their attempt to find any individual involved in an extortion bombing, illegally and in violation of defendant's constitutional rights, searched her private dwelling, and found lewd and lascivious documents belonging to a former roomer. The evidence showed that these documents were found by the defendant while she was cleaning a room which had been vacated by a former roomer. She stored these documents until such a time as the roomer would have returned to claim his property. It was for possession of the *roomer's* documents that the defendant was convicted of violation of Section 2905.34 Ohio Revised Code, and sentenced to from one (1) to seven (7) years in the Ohio State Women's Reformatory.

The story of the indignities suffered by Miss Mapp would have turned the strongest of judicial stomachs. It was the viscera of Tom Clark that were the most crucial. Justice Clark had always voted against the application of the *Weeks* rule to the states, but had predicted that this would come about at such time as "five Justices are sufficiently revolted by local police action." Apparently he accepted the official version and became "sufficiently revolted," because he switched sides and provided the swing vote in the 5 to 4 decision. So it is important to know what actually happened in Cleveland that May of 1957.

Mr. Scully is a retired lawyer living in Houston, and the author of the forthcoming book The Counterfeit Constitution.

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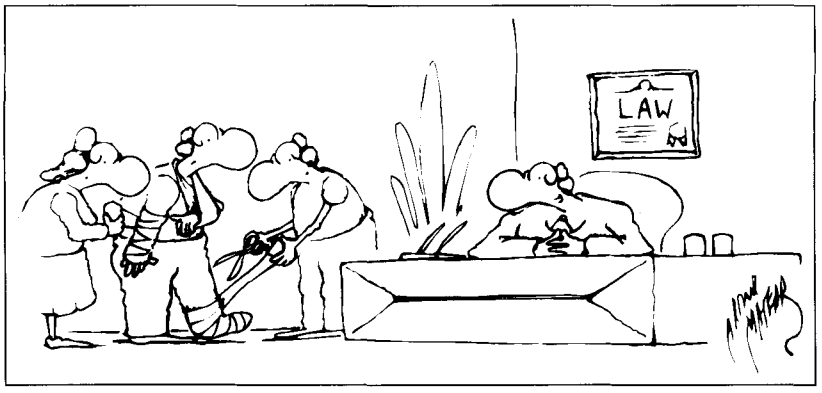
The real case of *Mapp* v. *Ohio* began with a bang at 3:45 A.M. on May 20, 1957. The bang was caused by a bomb planted under the residence of one of Cleveland's leading "policy bankers," Donald (The Kid) King.* The front-page headline of the *Cleveland Press* reads: "Birns Is Jailed in Bombing; Charge $1,000-a-Week Plot." Also on the front page are photos of a youthful and short-haired Donald King and of Shondor Birns, and the statement that the bomb blast "opened what police believe is a new offensive by Shondor Birns to control Cleveland's numbers racket." The bomb didn't kill the man who, with his famous "electric hair," would go on to become the world's most successful boxing promoter, but it did give him quite a fright. Instead of tending to the matter himself, in the tradition of the numbers racket, he did what a good citizen should—he went to the police. The *Cleveland Plain Dealer* reported the next day that "King made history when he openly turned to police with information he said would help send someone to jail." "Shondor was one of the five pistols who bombed me," he said to reporters. One of the others he named was Virgil Ogletree, a clearing-house operator, who was thought to be doing his clearing in the house, and in the company, of one Dollree Mapp.



"Relax, Mr. Samuels. That's just our special-effects team."

It was Ogletree for whom Sergeant Carl J. Delau and patrolmen Thomas J. Dever and Michael J. Haney were looking when they arrived at 14705 Milverton Road, Miss Mapp's residence. Perhaps they had been told by King that where Ogletree was, so also would be a large amount of "policy paraphernalia." There is no mention of policy paraphernalia in the "official version" of the case. We are told only that the police were "ostensibly looking for an individual who was wanted in connection with an extortion bombing." And from its opinion we know the Supreme Court believed that but for the obscene material, the police came up empty handed.

But on page 11 of the *Cleveland Plain Dealer* of May 24, 1957, is a picture of a man in a shirt and tie with a handful of slips of paper. He is peering into a large trunk containing a lot more of the same. Underneath is the caption: "**'California Gold' Strike.** Sgt. Carl J. Delau examines a trunkful of policy slips found in the home of Miss Dollree Mapp, ex-wife of boxer Jimmy Bivins and former girl friend of Archie Moore, light heavyweight champion of the world."

This is a continuation of a page-one story, which also says: "Ogletree, who had sneaked down the back stairs, was found in the downstairs home. A woman who lived there said he had threatened her." The newspaper account was confirmed much later by Miss Mapp herself, according to Fred W. Friendly and Martha J. H. Elliott, who interviewed her for their book *The Constitution: That Delicate Balance* (1984). They state: "Miss Mapp told the authors she knew Ogletree was downstairs." And in the original trial, defense witness Walter Greene gave the following information on cross-examination:

> **Q**. While you were out there, Mr. Green [*sic*], did you observe somebody being taken away from there?
> **A**. Yes.
> **Q**. Do you know who it was?
> **A**. There were two people.
> **Q**. Do you know who they were?
> **A**. I know, of course, Mrs. Mapp, and I later learned the other was Virgil Ogletree. I saw him the first time in the downstairs suite.
> **Q**. On the first-floor suite?
> **A**. Yes, ma'am.
> **Q**. And he was taken away in a patrol wagon?
> **A**. That would be my best recollection.

Changing Stories

LET US BE charitable and say that Mr. Greene and his law partner A. L. Kearns expressed themselves oddly in their "Statement of the Case" three years later, when they said: "the police officers [were] frustrated in their attempt to find any individual involved in an extortion bombing."

The same is true with regard to the search warrant: "Upon demand of a search warrant, a piece of paper was held before the defendant without giving her an opportunity to view or read same. . . . This alleged search warrant was never proved or even tendered in the trial court upon request of the defendant." As to the first of those assertions, if you are confronted by a police officer in plain clothes and you question his identity, he will hold his credentials up in front of your eyes. He will not hand them to you, nor permit you to take them from him. This is standard police procedure. Before the advent of the Xerox process this same practice was followed with respect to warrants. With this in mind read the *Plain Dealer*'s description of the "fracas":

> . . . But not without one desperate last-ditch act of defiance from Miss Mapp. She met the policemen on the stairs. She grabbed the warrant from the hand of one of them.
>
> Then she stuffed it down the front of her dress. The raiders were startled, to say the least. But one of them rolled up

*A "policy banker" is someone who runs a "clearing house," where bets in the numbers racket are sorted and the winners paid. The records of bets are called "policy slips."

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a sleeve and said to her: "If you don't get it for us, I will." She returned the warrant.

Police reports made contemporaneously with the arrests confirm the existence of a search warrant. A report dated May 23, 1957, by Carl J. Delau states that the "subject would not come to the door but spoke to us through the second floor window. . . . Mapp stated that she would not let us in unless we had a search warrant. . . . Remained in the vicinity of this home until a search warrant obtained by Lieut. Thomas White who then came to this address. With the warrant in our possession we gained entrance . . ." They found and seized "a large foot locker which contained considerable policy paraphernalia," "four books of a pornographic nature," and a "Colt make 'Bronco' automatic, 7.65(?), serial number 10410." Ogletree was found and arrested in the first-floor apartment. The tenant stated that she was "told by Mapp not to open the door for the police and for her to let Ogletree stay in her quarters."

Now a search warrant is not simply a piece of paper to be discarded when it has served its purpose. A police officer who obtains a warrant must "endorse" it and "return" it within a given time to the judicial authority that issued it. If the search warrant is executed, the "return" must be accompanied by an inventory of what was seized. All courts keep a copy and a record of the warrants they issue and all must be accounted for.

The prosecution of Dollree Mapp for "Possession of Obscene Literature" in the Court of Common Pleas of Cuyahoga County was assigned Docket No. 68326. Many years ago, no one seems to know when, the case files for that year were microfilmed and thereafter destroyed. The files for the cases preceding 68326 are on microfilm in the office of the clerk of that court, as are the files for those that followed. Only No. 68326, *Ohio* v. *Mapp*, is missing. The only records that survive are those filed in the appeals to the Supreme Courts of Ohio and of the United States.

Three years later Mr. Kearns told the Supreme Court of the United States on oral argument:

> We asked during the trial of the case that the search warrant be produced and it was not.
>
> But the prosecutor promised—and we have the prosecutor here—that the search warrant would be produced and it never was.

If that is so further discussion is pointless. But in the *real* case of *Ohio* v. *Mapp*, the lieutenant, Thomas White, from whose hand Dollree Mapp snatched that "piece of paper," *was never asked anything by anybody*. The existence of a warrant to search the Mapp house was never once challenged at the original trial. Indeed, contrary to what Mr. Kearns told the Supreme Court, the defense *never* "asked during the trial of the case that the search warrant be produced," or at any other time either. The statements Mr. Kearns made to the Supreme Court of the United States were not just misleading, they were out and out lies.

Suppose they were? This case was decided thirty years ago; *Mapp* v. *Ohio* is *res judicata*. True, but *Mapp* v. *Ohio* lives on, in the form of the exclusionary rule, under the doctrine of *stare decisis*, which makes each settled case a precedent for later ones.

But the validity of *stare decisis* depends on both sides of a legal argument being fairly and adequately represented by counsel. To suborn the selection or to collude or connive in the prosecution of a case strikes at the integrity of our jurisprudence. The question pressed here is whether the *Mapp* v. *Ohio* that affects our daily lives was a genuine "case or controversy" meeting these standards, or a sham, since

> an attempt, by a mere colorable dispute, to obtain the opinion of the court upon a question of law which a party desires to know for his own interest or his own purposes, when there is no real and substantial controversy between those who appear as adverse parties to the suit, is an abuse which courts of justice have always reprehended, and treated as a punishable contempt of court. *Lord* v. *Veazie*, 49 U.S. 251, 254 (1850).

If you want to believe *Mapp* v. *Ohio* was *not* a "set-up," you have to envision a prosecutor who really wants to put someone like Dollree Mapp in prison for one to seven years—when accommodations are short and there are so many more deserving tenants walking the streets of Cleveland—and who would prosecute a private possessor of "dirty booklets" on a felony statute obviously aimed at those who traffic in pornography.

Miss Mapp was arrested on May 23. Not until September 19 was she indicted for "possession of obscene pictures and books." The following day she pleaded "not guilty" and posted a bail bond. On July 8, 1958, she retracted her plea of "not guilty," and entered a plea of "guilty." She remained free on bond, and her case was "Referred to Probation Dept. for Report." This suggests a disposition in her case had been reached.

Something happened in July to change her mind. On August 1 the court gave her leave to withdraw the plea of "guilty," and plead "not guilty" once again. More than 15 months after the episode at her house, Dollree Mapp was put on trial in the Cuyahoga County Court of Common Pleas for the "possession of obscene material." The assistant prosecutor was Mrs. Gertrude Bauer Mahon. She not only tried the case, but argued it on all levels of appeal. A. L. Kearns and Walter L. Greene did the same for the defendant.

The prosecution is not required as part of its *prima facie* case to prove the evidence it uses was *not* unconstitutionally obtained. The defense must first raise the issue. A defendant who wishes to claim evidence was taken from him in an illegal search and seizure "must speak now, or forever hold his peace." He may not let it pass at the trial, and later assert the claim on appeal.

On September 3, 1958, before the trial began, the defendant filed a "motion to suppress evidence." This is the way Mr. Kearns explained it to the trial court:

> Now we say that the State of Ohio did not have a search warrant setting forth the items that are mentioned in this

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indictment, which the State of Ohio intends to use in this case against this defendant, and for that reason we are asking that particular evidence be suppressed.

Note well this does not allege that the State of Ohio had no search warrant to search for Ogletree and policy slips. All Mr. Kearns said was that there was no warrant *which specified* "lewd and lascivious Books, Pictures, and Photographs," and therefore that these could not be used in evidence. The trial judge overruled the motion and the trial began.

The prosecutor called only two witnesses, Patrolman Michael Haney and Sergeant Carl Delau. Both officers testified that they waited for about three hours until Lieutenant White arrived with what they assumed to be a warrant, although neither of them read it. Miss Mapp testified on her own behalf:

A. When they came in I said, "Inspector, I want to see the search warrant." . . .

He said, "Here is the search warrant." He held it back from me, and I remember Mr. Green told me that I should see it and read it, and I told him I wanted to see it. He said, "You can't see it." And then I reached over, took the search warrant from his hand and put it down in my bosom.

There is nothing suspicious about the testimony of Patrolman Haney or Sergeant Delau. When Lieutenant White appeared with the warrant there was no reason for him to show it to a junior officer. For either Haney or Delau to have asked to see it would have been quite out of line. Nor is there anything unusual about Miss Mapp's account. Lieutenant White held the search warrant up in front of her eyes close enough for her to be able to snatch it from him. If Lieutenant White did say, "You can't *see* it," he surely meant, "You can't *have* it," since he was holding it before her eyes.

Lieutenant White was not a witness to the discovery of the lewd literature. He could contribute nothing to the state's *prima facie* case. And the defense did not contend at the trial that the piece of paper Miss Mapp snatched from his hand was anything other than a search warrant. Under these circumstances there was absolutely no reason for the prosecution to call Lieutenant White.

Now, if the police had a warrant based upon "probable cause"—and under the circumstances we are entitled to assume that they did—they acted entirely within the law. The police couldn't *reasonably* search for Ogletree in a suitcase or a bureau drawer, but they could do so for policy slips; so, when they found the lewd booklets and a .25 caliber automatic pistol, these could lawfully be seized. It has been the law since the 1904 case of *Adams* v. *New York* that evidence found during the execution of an otherwise valid search is admissible whether specified in the warrant or not.

However, when Kearns and Greene took the case before the Cuyahoga Court of Appeals, they not only changed the grounds on which they argued, they also changed the facts of the case. And Mrs. Mahon—the only person realistically in a position to refute their lies—disputed only inessentials, allowing them the point that really mattered.

They told the appeals court:

There were from 7 to 12 police officers involved, they came according to Patrolman Haney to find some man for questioning as to a bombing, which some unknown said might be at the address. *No such man ever was there.* [Emphasis added.]

They painted the same picture to the Supreme Court of Ohio. Since "the alleged 'warrant' was never presented in evidence or shown to exist," said Kearns and Greene, "the conclusion was that the paper was a ruse. There was no proof of any 'person hiding out in her home who was wanted for questioning in connection with a . . . bombing'—that was a sham proposed to justify the inexcusable conduct of the officers in handcuffing her and going through the home of this mother and her young daughter."

Mrs. Mahon bravely challenged them on the number of police officers and the manner in which Miss Mapp was handcuffed. But she failed to point out that a bombing suspect *had* been found in Miss Mapp's home, as well as policy slips. Inexcusably she let pass her opponents' misrepresentations. However beastly the behavior of the Cleveland police, was her position, the smut seized had to be admitted as evidence because Ohio did not have the exclusionary rule.

Shell Game

IT WAS at this point that the real shell game was played. The appeal of *Ohio* v. *Mapp* was not decided on any search-and-seizure issue. The Ohio Supreme Court indeed found that Miss Mapp had been wrongly convicted—not because of anything to do with the exclusionary rule, but because the "lewd and lascivious materials" statute was "unconstitutionally invalid," since it placed an intolerable burden on the rights of free speech, press, and the dissemination of ideas protected as against the states by the Fourteenth Amendment. Ohio, however, had a provision in its own constitution, quite unique, stating that "No law shall be held unconstitutional and void by the Ohio Supreme Court without the concurrence of at least all but one of the judges." And in this case, "more than one of the judges of this court are of the opinion that no portion of the statute upon which defendant's conviction was based is unconstitutional." So, even though a majority of the Ohio Supreme Court found in Miss Mapp's favor, her conviction stood. And because the state court thus upheld a state statute against a claim that it violated the Constitution, Miss Mapp could appeal to the Supreme Court of the United States as a matter of right. *Mapp* could have happened "Only in Ohio."

On July 14, 1960, Kearns and Greene filed their Jurisdictional Statement in the United States Supreme Court. Here, as a general proposition, the appellant is required to show that the constitutional question he is now asking the Court to review was raised previously

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in the trial court. Here is how they fudged it: "The matter of the conduct of the police in procuring the evidence was first raised in the trial court in a 'Motion to Suppress' filed September 3, 1958." Of course, that motion said nothing of the sort. But again Mrs. Mahon let it pass—again inexcusably.

On October 24, 1960, the Supreme Court decided to hear the case of *Mapp* v. *Ohio*. Kearns and Greene filed their brief, essentially a rehash of the Jurisdictional Statement, on February 1, 1961. While the brief posed a search-and-seizure question, it was argued most perfunctorily. You cannot tell whether their position was that there was no warrant *at all*, or that the search was made pursuant to a warrant in which "obscene materials" were not specified. It is deliberately vague.

Mrs. Mahon responded by disputing anew the number of officers involved. Then she said what she should have said in her response to the Jurisdictional Statement. Had she done so earlier, before the Court had agreed to hear the case, there would have been no such case as *Mapp* v. *Ohio*. That she did so later must be regarded as a protective measure well known to all bureaucrats by the abbreviation CYA.

> There was no request by the defense during the trial for the production of the search warrant or that it be tendered, and their statement to that effect at page 5 of their brief on the merits is unsupported by the record. . . . No question was raised on the trial that no search warrant had been obtained and Lt. White was as available to the defense on subpoena as to the State. . . .

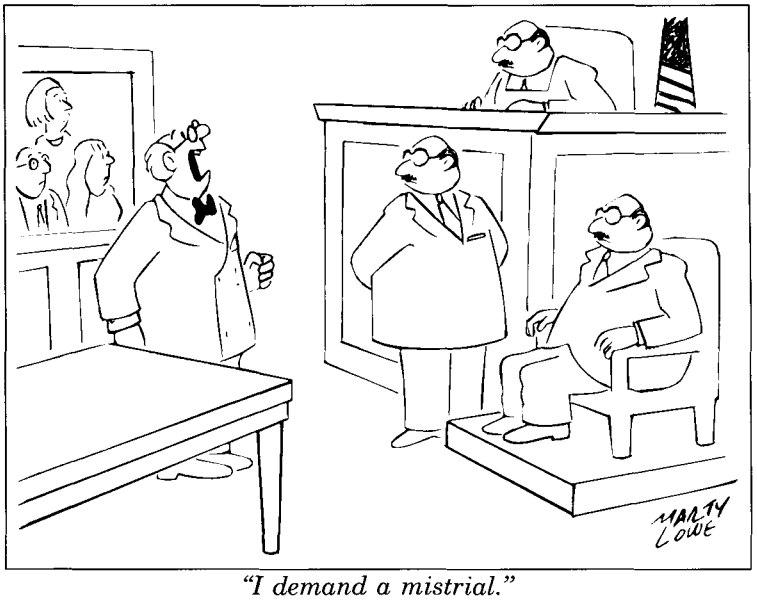
There was a third brief filed in *Mapp* v. *Ohio*; it opened:

> This brief is submitted on the merits of the Appeal. Both Appellant and Appellee have consented to the filing of this brief *amici curiae* by the American Civil Liberties Union and the Ohio Civil Liberties Union.

Nothing in this brief is any way relevant to the law of search and seizure or the exclusionary rule, except this single paragraph:

> **D. Use of Evidence Obtained in an Illegal Search and Seizure Violates the Due Process Clause of the Fourteenth Amendment.**
>
> This case presents the issue of whether evidence obtained in an illegal search and seizure can constitutionally be used in a State criminal proceeding. We are aware of the view that this Court has taken on this issue in *Wolf* v. *Colorado*, 338 U.S. 25. It is our purpose by this paragraph to respectfully request that this Court re-examine this issue and conclude that the ordered liberty concept guaranteed to persons by the due process clause of the Fourteenth Amendment necessarily requires that evidence illegally obtained in violation thereof not be admissible in state criminal proceedings.

Bear in mind that this introduction of the exclusionary rule was submerged in a sea of ink about obscenity. To the outside world *Mapp* v. *Ohio* appeared to be a case involving the constitutionality of the Ohio *obscenity* statute. It was particularly important to keep those in Cleveland who had personal knowledge of the events of May 23, 1957—at least one police officer and one magistrate—from finding out how the case had evolved.



"I demand a mistrial."

On March 27, 1961, the *Cleveland Press & News* ran a story under the headline: "OBSCENITY CONVICTION GOES TO HIGHEST COURT."

> In 1957 Cleveland police were trying to solve the bombing of the car [*sic*] of Donald King . . .
>
> In their search for a suspect, police went to Dollree Mapp's home. Refused entry, they obtained a search warrant for gambling gear.
>
> In the basement detectives found a trunk full of policy slips and other betting materials. In Dollree's room they found four lewd books and obscene pictures. [ACLU attorney Bernard] Berkman said that the basis for his charges of violating the Constitution is that the search warrant did not mention obscene material.

Now did this story "just happen," or was it planted? To find out the answer to this horticultural question we must journey to Princeton, New Jersey. There, in the Seeley G. Mudd Manuscript Library, are kept the archives of the ACLU and its affiliates. In volumne 48, in a file entitled "Ohio—1961," appears correspondence between a Mrs. Vivian Donaldson, Executive Secretary of the Ohio CLU in Cleveland, and Leanne Golden in the ACLU's New York City office.

One item consists of a copy of the above article with a note typed underneath in which "Vivian" tells "Leanne" that the "story was released to the *Cleveland Press & News* for today 3/27/61." On March 29, the day *Mapp* v. *Ohio* was argued, "Vivian" writes: "We have *a man at the press* who took the facts and wrote the story without more ado." (Emphasis added.) The following Monday, April 3, Alan Reitman, an associate director of the ACLU in New York, wrote the Ohio CLU about the difficulties encountered in their joint press release. He appears miffed that the Cleveland article alluded to search and seizure at all. "I think I have a good idea of

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the problems you face," Mr. Reitman tells Mrs. Donaldson,* "but I would like to suggest the following publicity procedure on joint briefs in the future." To show how the job should have been done he enclosed an article clipped from the *New York Times* of the day before.

HIGH COURT HEARS OBSCENITY CASE

Weighs Validity of Ohio Law
Making It a Crime to Own
Salacious Literature

By Anthony Lewis
Special to *The New York Times*

Washington, April 1—May a state make it a crime for a citizen to have obscene literature in his own home, with no intention of selling or showing it to anyone . . . ?

Nothing in Mr. Lewis's article of 23 paragraphs would give the reader the slightest inkling it involved a search-and-seizure question.

To those interested in constitutional cases bearing on law enforcement—an organization like the National District Attorneys' Association, for example—*Mapp* v. *Ohio* looked like a real yawner. They would have no reason to suspect that it would become, along with *Weeks* v. *United States*, one of the two most important cases in our Fourth Amendment jurisprudence.

Endgame

MAPP v. *Ohio* was argued on Wednesday, March 29, 1961. As we have seen, Mr. Kearns in his opening argument said:

> We asked during the trial of the case that the search warrant be produced and it was not.
>
> But the prosecutor promised—and we have the prosecutor here—that the search warrant would be produced, and it never was.

Moving along we see:

> *The Court*: Did you raise the question of no search warrant in the trial court?
>
> *Mr. Kearns*: I did. I even filed a motion to suppress the evidence in the trial court, which motion was overruled.

The ACLU's Mr. Berkman opened by saying he was "asking this Court to reconsider *Wolf* v. *Colorado* and to find that evidence which is unlawfully and illegally obtained should not be permitted into a state proceeding." The *amicus curiae* did not say how he arrived at the conclusion that any evidence against Miss Mapp was "unlawfully and illegally obtained." Aside from these remarks, his argument was directed toward the obvious unconstitutionality of the Ohio obscenity law.

This should not have distracted Mrs. Mahon. With respect to the search-and-seizure question her duty was clear. She was under an obligation to make absolutely certain the Court understood that: a) the bombing suspect and a trunk full of policy slips were found in Miss Mapp's house; b) the statements of the defense attorneys in this regard were false and misleading; c) the "motion to suppress evidence" made in the trial court did not place in issue the question of whether or not there existed a lawful warrant to search for Ogletree and "policy paraphernalia"; d) the defendant is therefore limited to asking the Court to reconsider the doctrine established in *Adams* v. *New York* that evidence incidentally found during an otherwise lawful search may be seized and used in court.

Mrs. Mahon did none of these things. Instead she merely repeated her assertion that "in the Ohio Constitution and under the Ohio laws, the fact that there was a search warrant would not make the evidence any the more competent or the fact that there was no search warrant would not make it any the less competent." That was a formulation that in effect endorsed the defense's account of the facts of the case.

On June 19, 1961, the Court handed down its decision. The constitutionality of the obscenity statute, the basis on which the case was briefed and argued, was airily dismissed in a footnote along with "other issues" not worthy of mention. While the decision did not get the headlines accorded the bomb blast which began this chain of events, *Mapp* v. *Ohio* nevertheless made the front pages of the Cleveland newspapers. The *Press & News* editorial saw it for exactly what it was:

A LANDMARK DECISION

> No one would have dreamed it, but a filthy book and picture case originating in Cleveland in 1957 has just resulted in a decision by the U.S. Supreme Court that will influence law enforcement all over the country.

Carl Delau felt the decision was "devastating": "If we have a search warrant for clearing-house material and find a counterfeiting operation, are we to disregard it?" But Mrs. Mahon took her loss with good grace. The *Plain Dealer* of June 20 reported:

> Mrs. Gertrude Bauer Mahon . . . admitted there was never any evidence that a search warrant was issued.
>
> She said she was happy the decision was based on the seizure of evidence rather than the constitutionality of the Ohio law.

Sad to say, there were some sore losers. The National District Attorneys' Association filed an unsportsmanlike petition for a rehearing. It was denied October 9, 1961 (368 U.S. 871). Too late, I guess. If they wanted to appear *amicus curiae* they should have come forward earlier. But then maybe they thought it was a case involving free thought and expression.

But the ACLU's Bernard Berkman had a more accurate take on the case: "The decision in the *Mapp* case now prevents evidence obtained by official lawlessness from being used in a state court and we hope this ruling will deter official efforts in the future from obtaining evidence by unconstitutional methods." Or to translate Mr. Berman's ACLUspeak, robbers, rapists, and murderers have now been loosed to prey upon society—with the unwitting acquiescence of the Supreme Court. □

*He also said, "I gather that you are getting some help from a reporter on the *Cleveland Press-News* in the preparation of news releases."

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The Group of Seven

SEE HOW THEY RUN

The finance ministers of the leading industrial nations are like seven blind mice, leading each other toward regulation and higher taxes, and away from economic growth.

STEPHEN J. ENTIN

THE Finance Ministers of the Group of Seven (the leading industrial nations—the United States, Japan, Germany, France, Italy, the United Kingdom, and Canada) met last week in Washington. It was not a harmonious gathering.

The high-sounding purpose of such meetings is to enable the various nations' economic policy-makers to coordinate their activities so as to bolster world growth and to offer each other sound advice. However, economic growth begins at home. If government officials knew how to create growth, they would stay home and do so. It is precisely when they do not know what to do that they call meetings, point fingers, and give each other bad advice. This can best be described as the blind blaming the blind.

Policy coordination is a bad idea. For one thing, free-market economies do not need to be "coordinated." Indeed, they are far too complex to be centrally managed either singly or in groups. For another, the coordinated policies are almost inevitably bad policies. Most policy-makers do not know the difference between economic right and wrong. As long as they are pulled at cross purposes, there is at least a chance for growth somewhere in the world. However, if they ever developed a common policy, it would undoubtedly be akin to that which Brussels is trying to foist on the European Community: more government regulation, taxes, and spending. It would constitute a global disaster.

Mr. Entin is a Resident Scholar at the Institute for Research on the Economics of Taxation in Washington. He was Deputy Assistant Secretary for Economic Policy at the Treasury Department in the Reagan Administration.

Off the Mark

AT THIS latest G-7 meeting, much bad advice was handed out to Germany and Japan. The United States took the lead. The shocking thing was the extent to which the U.S. Treasury has abandoned the principles of incentive economics and growth in favor of the sterile anti-growth analysis of Ronald Reagan's critics. Treasury Under Secretary David Mulford criticized Germany for running a large budget deficit, driving up interest rates, and depressing world growth. The very criticism directed by the Germans at the U.S. during the Reagan years. Both were off the mark, as it were.

The Bundesbank, in response to rising inflation, has tightened credit. However, the chief source of the German slowdown is overspending on unification, excessive labor costs (caused largely by the requirement that Western levels of wages be paid in the former East), and a highly regulated labor market, compounded by sharp tax increases on labor and capital. Mr. Mulford's focus on the deficit instead of spending and regulation implies that more tax hikes may be needed. That, of course, would further reduce production of real goods and services, so that any quid pro quo increase in money growth by the Bundesbank would exacerbate inflation.

The Germans were quick to point out the irony that the Bush Administration opposes tax increases at home because they are anti-growth, but favors them in Germany to promote growth. A further irony is that a major study by the Reagan–Bush Treasury, in which Mulford also served, showed no link between budget deficits and interest rates.

German interest rates were also a major concern of other European nations. The European Community is moving gradually toward a common currency, starting with fixed exchange rates. France, Italy, and Britain feel pressured to keep their own interest rates high so as to keep their currencies strong and in line with the Mark, and they fear this will slow their growth. Not wishing to abandon the common-currency program, they hoped to "coordinate" Germany into easing its monetary policy.

Rather than wait for a policy change in Germany, the other members of the currency club could solve their own difficulties with a pro-growth supply-side program. Lowering taxes on labor and capital would increase production, encourage a capital inflow, strengthen weak currencies, and promote investment and employment all in one package, as happened in the United States under Reagan. Indeed, that is also the policy *Germany* should adopt to cure its own domestic ills.

Meanwhile, Japan came under at-

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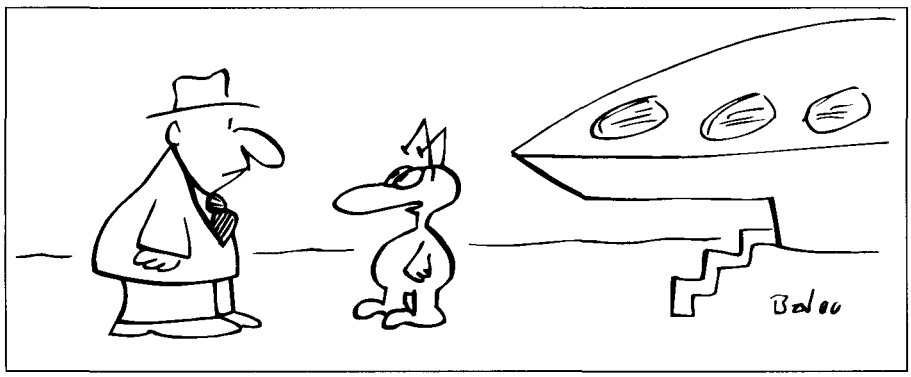

"Oh? Well, then . . . take me to your front-runner!"

tack from Treasury Secretary Brady for not providing enough Keynesian "fiscal stimulus" to boost "aggregate demand" and imports. Apparently, fiscal stimulus is pro-growth in Asia but anti-growth in Europe. The weak yen was also criticized as an attempt to generate export-led growth. This is also something of a contradiction, as policies that supposedly pump up demand supposedly weaken a currency.

The G-7 is wearing "demand management" blinders. This is nothing new. Except for the early Reagan and Thatcher Administrations, none of the governments of the G-7 have displayed any comprehension of the policies that generate prosperity.

The G-7 never understood the Reagan economic program, and helped destroy it. Reagan's 1981 supply-side tax reductions lowered the cost of labor and capital in the United States, and brought about a great burst of investment and job creation. The higher real after-tax return on investment attracted U.S. and foreign capital. The capital surplus inevitably led to an equal current-account (balance-of-payments) deficit, even as it sharply strengthened the dollar, but this was a consequence of a favorable growth climate, not a threat to the expansion. The budget deficit, a hangover from the 1980–82 recessions, was on the way down as the economy boomed.

The rest of the G-7 carped constantly about the U.S. budget deficits, wrongly claiming that they were the source of higher real interest rates and trade imbalances. Their complaints reinforced congressional demands for tax increases, and helped push the President into disastrous budget agreements with the Congress that repealed the growth incentives.

Instead of trying to force the U.S. from its growth program, the other nations should have instituted growth programs of their own. Reagan-style tax-rate reductions, spending cuts, and deregulation to promote real output could have improved their investment climates, reduced their capital outflows and trade surpluses, and strengthened their currencies against the dollar. Unfortunately, the Keynesian orientation of the G-7 ministers and bureaucrats left them unable to understand or implement such a program for themselves.

U.S. officials had no more understanding of the Reagan program than the Europeans. At the 1985 G-7 meeting at the Plaza Hotel in New York, Treasury officials, thinking in Keynesian terms, urged a vague "demand expansion" policy for Europe. The Bundesbank interpreted this as a call for inflationary money expansion and bigger budget deficits to jump-start growth. This made no sense from the point of view of strengthening the Mark against the dollar. Further, it frightened the Germans, who dug in their heels and delayed their planned tax reductions for over a year.

Don't Laugh—You're Next

AFTER botching cooperation with Germany, Treasury aimed at Japan. Until the late 1980s, Japan had had one of the world's best tax codes. Most countries tax income used for consumption only once, while subjecting income that is saved to repeated taxation. The Japanese had almost entirely eliminated the multiple taxation of savings. Large tax-free savings accounts—sort of gigantic IRAs—exempted most personal interest income. Dividends were taxed at a purely nominal rate. Capital gains were not taxed.

Partly as a result of its unbiased tax treatment of saving, Japan had a large excess of saving over domestic investment. Investing the surplus abroad created a capital-account deficit and a corresponding current-account surplus for Japan, and helped other nations invest and grow.

If politics demanded a reduction in these imbalances, there were two ways to go—one harmful to world growth, the other not. The benign way would have been to lower taxes on Japanese labor and capital, creating incentives for the saving to remain in Japan to finance domestic investment and growth. The wrong way was to stifle the saving.

Unfortunately, Japan's high saving rate drove U.S. officials wild. David Mulford, then Assistant Secretary of the Treasury for International Affairs, developed a policy prescription to be pushed on Japan at the summit. The prescription was pure short-run Keynesianism: impose a tax on savings, boost consumption, raise "demand," buy imports. The Treasury Department was thus urging on Japan the opposite of the original Reagan policy for the U.S., which favored saving and expansion of IRAs.

Japan has one of the world's most modern industrial plants, but its economics is from the 1950s. The Japanese Finance Ministry, Keynesian to the core, bought this nonsense, and shoved it into the Miyazawa Report on tax reform, which marked the end of the Japanese economic miracle. In 1988–89, Japan implemented a pernicious anti-saving, anti-growth tax reform. To the good, income-tax rates were cut. However, taxes were raised on dividends and imposed on previously exempt interest and capital gains to "broaden the tax base." A 3 per cent general consumption tax was imposed. The package cost the ruling Liberal Democratic Party control of the upper house of the Diet.

By reducing its savings, Japan was able to shrink its capital outflow and current-account surplus. But less saving means less investment, less growth, and ultimately, less employment, income, and consumption. And though it was by no means the only difficulty facing the Japanese economy, the tax reform clearly had an adverse impact on real-estate values and the banking system, and contributed to the plunge in Japanese stocks. Japan's tax reform has backfired on both Japan and the United States.

It is time to put a stop to the Group

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of Seven. These get-togethers are merely opportunities for each minister to convince the folks back home that the grass is even browner on the other side of the fence, and that any blight in one's own lawn has crept in from the other fellow's yard.

It is wrong and unnecessary for any nation to rely on others to bail it out of recession. Each nation should promote its own non-inflationary growth by curbing its government spending, cutting the tax burden on the employment of its labor and capital, reducing regulations that inhibit production within its boundaries, and eliminating barriers to the free movement of capital, goods, and services in both directions across its borders. Each nation should foster price stability through prudent monetary policies. If each nation were to pursue these policies, the capital flows, exchange rates, and trade and current-account balances would take care of themselves. There would always be some imbalances in these accounts, but they would be of no importance whatever, and best dealt with by ceasing to publish the statistics. □

Just Do It

SEX ED, UP TO DATE

See Dick and Jane. See Dick and Jane use condoms. Where are their parents? Out of the picture.

JOHN P. HALE

THE FIRST DAY in the first grade is always a milestone for parent and child. It is the start of an adventure which parents welcome with mixed emotions, knowing babyhood has ended and real student days have begun, with work to be done, tests to be taken, and skills to be acquired to help the child grow into a self-sufficient adult. While parents of a first-grader almost always leave their child at the schoolhouse door with a twinge of regret, that regret would be converted to horror for New York City parents if they realized what new lessons await their child.

"If teachers do not discuss lesbian/gay issues, they are not likely to come up," says the new teachers' manual *Children of the Rainbow—First Grade*, on page 372. No parent would argue with that, since five- and six-year-olds are not known for any level of interest in such topics. What would startle the parents is that that statement is the

Mr. Hale is a former member of the New York State Board of Social Welfare.

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jumping-off point for instructions to the teacher on how to introduce the subject.

". . . at least 10 per cent of each class will grow up to be homosexual," continues the manual, and "It is also common for them to be thrown out of their homes once their parents find out their child is gay." "Classes," the teachers are advised, "should include references to lesbian/gay people in all curricular areas and should avoid exclusionary practices by presuming a person's sexual orientation."

The manual continues: "Challenging sexual myths can begin on the first day of school." And if the boys tend to play with trucks and the girls with dolls and the children do not themselves suggest switching after a couple of sessions, teacher should suggest that the switch take place.

Do It

WHAT'S going on? The New York City school system has made reshaping children's attitudes and behavior its number-one goal. But the reshaping is not toward self-restraint and discipline, but rather toward all forms of hedonism, hetero- as well as homosexual. And the process involves driving a wedge between children and their parents, both by telling the children not to accept their parents' values, and by *not* telling the parents what the schools are doing.

One factor is the enlarged role that homosexuals are playing in molding New York City school policy. When the Federal Government made a grant to New York's schools to support education in drug prevention, $500,000 of that money was awarded to the Gay and Lesbian Community Center to run Youth Enrichment Services!

The volunteers who will staff condom distribution rooms in city high schools and who will be available to counsel the children on sexuality include delegates from the Gay Men's Health Crisis (GMHC) and the Hetrick Martin Institute for Gay and Lesbian Youth, both of which have been designated as official resources of the New York City school system.

GMHC has a new illustrated color brochure that outlines safe-sex practices and advises, "If you have sex with women these guidelines still apply." One of the guidelines is to wear a latex surgical glove when you insert your fist into your partner's rectum. The pamphlet has circulated unofficially in at least one city high school. So far the Board of Education has been silent as to whether it will make surgical gloves available to the children as a health measure.

The Hetrick Martin Institute has published its own sex-ed curriculum, which states the course has been given in area high schools. One portion of the curriculum is a detailed instruction on anal intercourse with the admonition, "Do it. Have fun!"

Of even greater significance to parents are three excerpts from the January 1992 training manual. Some background is in order. When the New York State Board of Regents issued guidelines on the new AIDS curriculum to be adopted by all local school districts, it recognized that parents had the ultimate right to determine what type of instruction their children should receive. The Regents mandated that parents be given the right to opt their children out of a portion of the course. New York City schools raised the question whether parents should be told that they could opt out. Here is the answer given in the manual.

> *Question.* How are children withdrawn from prevention lessons of the AIDS instruction program?
> *Answer.* According to New York State Regulations, parents and/or guardians have the right to withdraw their children from the prevention lessons of the AIDS instruction program. *The school is not under an affirmative obligation to inform parents of this right. . . .*' [Emphasis added.]

"I can't come out and play tonight. I promised my dad I'd help him with my homework."

Put bluntly, you don't have to tell them. That will certainly eliminate the inconvenience of parents opting out.

Look at a second question and answer in the same manual:

> *Question.* If a parent has told me explicitly that he/she does not want his/her child to have a condom, am I still permitted to give that child a condom if he/she requests it?
> *Answer.* Yes. . . .

That's consistent, if you have reached the conclusion that parental rights have flickered out in the arena of sexuality training. Whether the schools have the right to ignore the parents' explicit instruction is currently being challenged in a suit pending in the Supreme Court of Richmond County (Staten Island).

The manual also deals with the thorny problem of what to do if the children themselves object to something being taught because of their "religious beliefs." The schools are currently distributing a City Board of Health pamphlet called *Teens Have the Right*, which tells the children that they have the "right to decide to have sex and who to have it with." It is the clear teaching of several major religious bodies in the city that unmarried people, which includes most teenagers, do not have the right to have sexual intercourse. They teach that sexual intercourse out of wedlock is wrong. One can be sure that this is one "religious belief" the volunteers are being trained to cope with.

We are talking about a school system that has exhibited an impaired ability to carry out basic instruction in reading, writing, and mathematics; a system which now has a corps of security officers larger than the police force of the city of Boston to attempt to protect the students from physical harm. Instead of dealing with either of those problems, the school system is worried about molding first-graders' attitude toward lesbianism.

A crucial element in the schools' strategy is hiding from parents the details of their children's sex-ed courses. And by the same token, the starting point for stopping the damage is a recognition that the primary right to determine what a child is exposed to in

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school rests with parents. We have watched with fascination the disintegration of a political system, the Soviet one, built on the concept that the child belongs to the state. Now we see the concept taking root in our own schools. To stop it, we must press for two reforms: mandating that parents be informed of all course content to which their child will be exposed, and adopting a voucher system to give parents freedom of choice as to where to send their child.

If it is not already too late. □

Rewriting History

DENYING THE TERROR FAMINE

Was the 1933 Ukrainian famine the result of a failed policy—or was it the policy itself?

ARCH PUDDINGTON

IT IS a tribute to the efficiency of Soviet totalitarianism that the 1933 Ukrainian famine escaped serious scholarly inquiry for over fifty years, for the famine was one of the century's great political crimes. Millions died; how many, we can't be sure, but some Soviet sources endorse the estimate of seven million advanced by Robert Conquest in his brilliant study, *The Harvest of Sorrow*. And the famine did not derive from bad weather, plant blight, or some other natural cause, but was engineered by Stalin for fundamentally political reasons.

Two credible theories concerning those reasons have been advanced. The first, and more charitable toward Stalin, sees the famine as an unanticipated consequence of the regime's campaign for near-total collectivization—although it admits that Stalin persisted in the campaign even after learning of its toll on the peasantry. Which leaves him responsible for millions of deaths, but not for genocide.

The second theory accuses Stalin of deliberately using the famine to crush the Ukrainian people, to suppress its culture, annihilate its independent-minded peasantry, and destroy its will to resist Soviet domination—mass killing in the service of an anti-human and ultimately irrational idea. This is the theory Conquest endorses; he sees the famine as similar in nature to Hitler's Holocaust against the Jews.

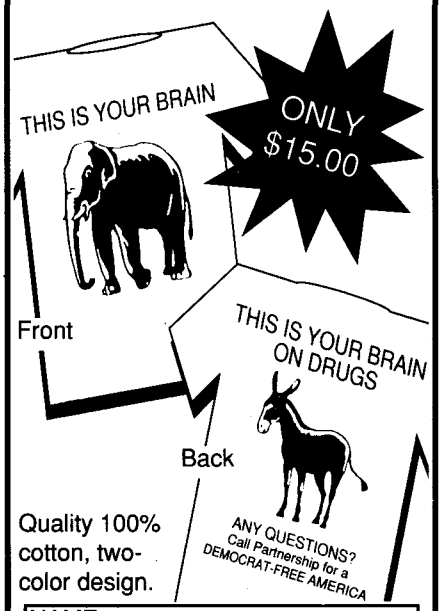
While it is certainly the case that peasants in Russia and Kazakhstan suffered terribly during the collectivization drive, Ukrainian deaths seem proportionately higher. Furthermore, the idea that Stalin used collectivization as a weapon against Ukrainian national aspirations can hardly be dismissed as far-fetched, given what we know about Stalin's obsessive concern with national restiveness.

Yet while most critics greeted Conquest's *Harvest of Sorrow* with praise, a segment of the Sovietology fraternity reacted with fury, and for several years carried on something resembling an orchestrated campaign to discredit both Conquest's study and a documentary film about the famine that was shown on public television in Canada and the United States.

There was, to begin with, the official Soviet position, summed up in 1986—as the age of *glasnost* was dawning—by Yuri Bogayevsky, first secretary of the Soviet Union's embassy in Canada. According to Bogayevsky, the principal culprits were not Stalin and his acolytes but rather the "kulaks," or wealthy peasants, who resisted collectivization and in the process "mur-

Mr. Puddington works for Radio Free Europe–Radio Liberty and is the author of Failed Utopias.

"Okay, one more time..."



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dered about ten thousand Communist Party activists, farm leaders, and reform sympathizers—the most able and skillful farmers."

Now this bit of absurdity contains inaccuracies in practically every phrase, from the use of the term "kulaks"—a fraudulent concept concocted by Lenin to justify class warfare in the countryside—to the notion that those favoring collectivization were "the most able and skillful farmers." Nevertheless, the official Soviet version found an echo on the American Left. Jeff Coplon, a journalist who undertook something of a crusade against Conquest's book, wrote in *The Village Voice* that collectivization was an "epochal change in the mode of production," and seemed to equate the deaths of a few thousand agents of Communist expropriation with the murder of millions of peasants whose only crime was an unwillingness to surrender their small plot of land.

Others attacked Conquest with what in boxing terminology would be called crowding tactics, smothering his theories with numbers, numbers, and more numbers. The controversial Sovietologist Jerry Hough, for example, placed the number killed during the purges in the thousands, a rather considerable difference from the twenty million or so estimated by such diverse figures as Conquest, Stephen F. Cohen, and Marxist dissident Roy Medvedev. The difference between these estimates goes straight to the heart of Soviet legitimacy. After all, a regime which killed in the thousands, while guilty of substantial evil, can point to many historical precedents; on the other hand, one which destroyed millions of its own citizens clearly ranks with Hitler or Pol Pot.

The Shadow of the Swastika

THE MAJOR charge against the idea of the terror-famine, however, has nothing to do with statistics and everything to do with a view of Ukrainian nationalists as in-

Can Communist Crimes Be Punished?

WHAT HASN'T happened yet to Communism in Eastern and Central Europe is perhaps just as amazing as what has: none of its crimes were punished. Yet even in little Czechoslovakia those were no petty crimes. During the Communists' reign, 253 executions were carried out following political trials (only the USSR had more), and there were a quarter of a million political prisoners, of whom an estimated ten thousand died of torture and mistreatment in jail. The list, as presented at a conference on Communist crimes held last October in Prague, goes on and on. So let's make it short: Who was punished?

"For the entire forty-year period of the totalitarian rule: a bunch of functionaries of something called TJ, for keeping a secret slush fund; one collective farm chairman—for purloining turkey hens, pigs, and watermelons—received a suspended sentence; and one former minister [of the Husák government] was fined 2,000 koruny for misuse of official powers." Thus a Prague daily, *Český deník*, summarized the meager pickings in the General Prosecutor's report to the parliament.

But Czechoslovakia's neighbors apparently have not done much better. For although there seems to be general consensus that Communism was every bit as brutal and criminal as Nazism, there is no agreement at all as to whether its crimes can—and perhaps even should—be punished. The reason is that there are at least two important differences between the two evil empires. The first is that the Nazi one was relatively short-lived, and so there was no question of the statute of limitations; the other is the way the two regimes ended. By coincidence, both Nazism and Communism had their finale in Berlin, but the former ended with a roar, the latter with a romp. There were no angry victors meting out punishments and ordering a thorough clean-up in 1989. There were just happy, bewildered folks, mightily relieved it was—suddenly—all over. The Communists lost no time joining their ranks. In fact, they had a head start, since they were already sitting in the mildly reshuffled parliaments of Communism's last days, where they were busy switching their Party's label to social democratic something or other. As a result, they are firmly ensconced in the new democratic power structures and in a position to block any attempts at a reckoning.

Ironically, they have actually benefitted from their past crimes. Their forty years of "class justice" made their former subjects allergic to any criminal charge that smacks of politics. And how can one even mention their crimes, inspired by their political creed, without talking of "politics"? Also thanks to the Communists, there is now a touching respect for the law and for civil rights in their former domain, which they have quickly learned to exploit. They found out that the men and women of the new democracies genuinely "don't want to be like them," as the slogan went, and that they are easily intimidated by a mere reference to civil rights, let alone by anguished prophecies of "return to the past," "witch hunts," etc.

For a time, though, the whole question of punishment was simply glossed over, because of euphoria and an avalanche of more urgent matters. "Let's just cross off the past and get on with the future" was the saying then. But that mood did not last. And the issue of Communist crimes is now perhaps inevitably emerging as a political issue, particularly in Czechoslovakia, which will hold elections in June.

While there are quite a few reasons why Communist crimes are not punished, that the citizenry does not want it is *not* one of them. During the past two years the General Prosecutor's office has received hundreds of complaints from citizens detailing criminal actions of former functionaries and StB (Secret Police) agents. But only one investigator is assigned to all those cases. So they are virtually just filed away, writes the new Czechoslovakia's best weekly, *Respekt*, noting that the GP's office is "much more vigilant and on the ball" when it comes even to anonymous

Miss Jicinska is a freelance writer for Radio Free Europe/Radio Liberty.

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fected by the fascist impulse. Sometimes murmured sotto voce and sometimes declared outright is the notion that Ukrainian (or Estonian, Latvian, Byelorussian, etc.) claims of injury at Communist hands are fraudulent, that the idea of a terror famine was concocted by shadowy forces bent on deflecting attention from a dark past. Thus Jeff Coplon calls the terror-famine theory a "fraud" and speaks of a "Ukrainian nationalist lobby straining to cloak its own history of Nazi collaboration." Similarly, J. Arch Getty sniffs that Conquest's ideas are "not generally accepted by non-partisan scholars outside the circle of exiled nationalists," and asserts that Conquest's book smacked of the "long-standing political agendas of émigré groups."

Nor is the trashing of anti-Communist émigrés limited to predictable leftist vehicles like *The Village Voice* or *The Nation*; the image of the Eastern European émigré with a cloudy background has become a staple of popular culture, with Byelorussians, Rumanians, and Hungarians having been depicted in recent films as concealing participation in the most horrible anti-Jewish atrocities.

Some go so far as to credit collaborationist émigrés with exerting a decisive sway over American foreign policy during the early cold-war period. This, at any rate, is the thesis of Christopher Simpson, the author of *Blowback*, which contends that the liberation doctrine pursued, rhetorically at least, by the Eisenhower Administration was adopted because of the machinations of émigrés with clear records of Nazi involvement. In this view, former Nazis and Nazi collaborators, stage-managed by the CIA and operating in an atmosphere of anti-Communist hysteria, were the "catalyst" for a policy that had the ultimate effect of prolonging the cold war.

That Ukrainian nationalism has historically been tarnished by anti-Semitism cannot be denied. The same, unfortunately, goes for practically

---

complaints against the new office holders.

There is no thirst for vengeance: even the most fiery anti-Communists insist on strictly legal proceedings. But there is a hunger for justice—which Mr. Miloslav Marecek, a denizen of the little town of Kyjov, demonstrated graphically by going on a marathon hunger strike to get action on his complaint out of the GP's office. Some months before the Velvet Revolution, he was harassed by the StB for circulating one of the dissidents' petitions (known as *A Few Words*), and he wanted those who had violated his right to petition the government identified, and possibly indicted. And while his complaint was no big deal, his hunger strike was. It was covered by the media and discussed in the parliament. There was a tremendous outpouring of public sympathy for Mr. Marecek. A special presidential commission was appointed to look into the matter. But neither it nor Mr. Marecek got any satisfaction from the GP, who, after "a careful investigation," concluded there was nothing to be done, since "no law was broken."

But Mr. Marecek by no means fasted in vain. The General Prosecutor, Ivan Gasparovic, was forced to resign, and the desultory debate on the punishment of Communist crimes suddenly heated up, and so entered the election campaign.

None of which, of course, answers the troubling legal questions. The statute of limitations, for instance. The Hungarians tried to abolish it retroactively for "felonies resulting in death"—only to have the law itself promptly abolished by their new Constitutional Court. And even where the statute does not apply, as in the case of Mr. Marecek's harassers, can they, and others, be punished for actions which, at the time, were not illegal? Or do some of these crimes satisfy the definition of "crimes against humanity" forbidden everywhere at all times by international law?

Even some dyed-in-the-wool anti-Communists see this whole issue as so dangerously divisive that they recommend leaving it to historians and concentrating on more practical matters, especially the market reforms. But at this point, it may be more dangerous to try to dodge it than to confront it—and, yes, even for the market reforms. This because the totalitarian regime has instilled in the people a deep mistrust of government. *Any* government. And if they see no justice being done, they may easily suspect that "some funny little game is still in progress" (as one Polish MP put it). The danger is encapsulated in a popular saying that the only new rich will be the Communist Mafias and the black marketeers—which sounds properly anti-Communist, yet leaves all one's good old socialist prejudice against the rich and the market economy intact. Today, it's still a half-joke. But if people see not just run-of-the-mill Communists, but those with blood on their hands, prospering in that economy, if they see, as they do now, former agents of secret police suing the government for supposedly violating their "right to privacy" (for naming them publicly as such), instead of the government prosecuting them for a long list of felonies from torture to training of terrorists, then the people may naturally conclude that the whole thing is yet another scam—democracy, market, and all.

In all this, the West, alas, has been of little help, with the possible exception of Germany, where the legislators are now working on a law on "government crimes." This presumably will make it possible to bring to justice some of the top functionaries of the former East German regime. If passed, this law could perhaps serve as a model for the less experienced legislators in Prague, Warsaw, and Budapest. Could the Anglo-Saxon West help? Indeed it could. It has, after all, some of the best criminal and constitutional lawyers in creation, whose views carry a great deal of authority. It would decidedly help if they gave some thought to the problem of bringing Communist crimes to justice. Meanwhile, some of us wonder: just as a lie becomes accepted as the truth when repeated long enough, often enough, does crime, if practiced on a large enough scale, become just . . . "history"?

—Blanca Jicinska

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every other people of that part of the world. Indeed, the level of anti-Semitism in the pre-war period generally rose or fell with the proportion of Jews in the general population. Thus there was a great deal of anti-Semitism in Poland, where there were many Jews, and relatively little in Bulgaria, where Jews accounted for less than 1 per cent of the population.

The question, then, is whether a people's past history of anti-Semitism renders current ambitions for sovereignty illegitimate. Here, it seems, one worthwhile measurement is whether the current leadership is willing to own up to the mistakes of the past and to adopt policies and a vocabulary of tolerance. By this standard, the current Ukrainian leadership scores rather impressively. The government, for example, has encouraged Jews to remain and help build the new nation, rather than emigrate to Israel. Interestingly, influential Ukrainian émigrés rank among the strongest advocates of inter-ethnic cooperation.

By contrast, Soviet Communist regimes from Stalin onward were renowned for anti-Jewish prejudice; the Soviets functioned as the nerve center of world anti-Semitism during the latter Brezhnev years. No attempt was made to come to terms with the historic anti-Semitism of the Soviet peoples, and the Holocaust was taught not as a tragedy in which one group, the Jews, were singled out for annihilation, but rather as a scatter-shot affair in which many groups suffered in greater or lesser degrees.

Just as Stalin's anti-Jewish policies spread throughout Communist Europe, so, later, Brezhnev's anti-Zionist drive was taken up by the satellite regimes. Likewise, Stalin, described as "killer of peasants" by Osip Mandelstam, served as an inspiration for a later generation of Communists, the Pol Pots and Colonel Mengistus, who imposed terror famines on their own unfortunate people. Perhaps the most distressing lesson of Stalin's Ukrainian famine is that even great crimes against humanity can happen again if the world ignores or denies them. □

Earth Summit Preview

FOG FROM FOGGY BOTTOM

If there *is* global warming, it may be coming from all the pre–Earth Summit hot air.

PETER SAMUEL

THE GREEN critics pound the Bush Administration day in and day out for its unwillingness—at the time of writing—to agree to timetables and targets for reducing carbon dioxide (CO_2) emissions. They desperately want President Bush to sign the draft climate-change treaty at the Rio Earth Summit next month. That treaty would get the country involved in a ruinously expensive, and almost certainly unwarranted, retrenchment of CO_2-producing industries like coal, automobiles, and oil.

The Administration has been resisting pressures to agree to the details of timetables and targets, and that has got people's attention. What is overlooked is that the Administration in its behind-the-scenes negotiations has largely conceded the environmentalist version of the CO_2/climate problem. And by conceding this theory, it risks inexorable pressures for adoption of the whole environmentalist anti-growth agenda.

The concessions can be seen in a ten-page document titled "U.S. Views on Global Climate Change" which the State Department has been circulating. (The full text is available from the Office of Global Change in the Bureau of Oceans and International Environmental and Scientific Affairs at the Department of State, telephone number 202-647-4069. Be prepared for the phone to be answered: "Global Change, Elizabeth speaking.")

Like many documents coming out of large institutions in which committees have labored to make compromises, "U.S. Views . . ." is no model of logic or internal consistency. There is a little bit for almost everyone here. For the conservatives there are several notes of caution about scientific uncertainties and the need for research.

But a reader must be struck by the extent to which the Administration has formally accepted the extremist version of the greenhouse effect and is prepared to endorse demonstrably false "green" propositions about global warming. You have to wrestle with some awful English prose—global change is not going to come with verbal clarity—but the sound of environmentalist obfuscation fights its way through the mush: "Climate models predict changes in the average temperature of the globe's atmosphere as a consequence of a doubling of atmospheric concentrations of carbon dioxide are unlikely to lie outside the range of 1.5°C to 4.5°C with a best estimate, based on model results and taking into account the observed climate record, of 2.5°C."

The obvious error here is the suggestion that the observed climate record supports the alarmists' prediction of a 2.5°C temperature increase coming from a doubling of CO_2. The largest number that can possibly be used there is 1.0°C, since the past century saw a 50 per cent increase in the CO_2 equivalent of greenhouse gases, which corresponded with (we do not write "caused") a 0.5°C increase in average global temperatures.

So a one-degree rise in temperature, not two and a half degrees as claimed by the State Department document, is the maximum greenhouse effect that is consistent with the observed climate record.

Furthermore, of the historical 0.5°C increase in global temperatures, most

(Continues on page 53)

Mr. Samuel runs Greentrack International, a news service covering environmental issues from a skeptical perspective.

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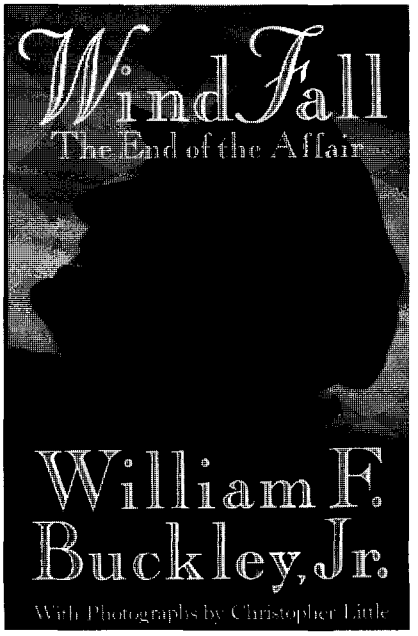
WINDFALL
The End of the Affair



"This is a much more personal Bill Buckley than we have ever seen before, a man who knows the pain and joy of parenthood, and who reveals his feeling for family—and for friends—as never before. Bill knows the art of friendship. As one who has often been the beneficiary of that great gift, I believe that the nation, too, has benefited."

RONALD REAGAN

"For the first time in my experience, Mr. Buckley's prose does not sound young. Not that it sounds old. Rather, his words are autumnal, even mellow. *WindFall* is a personal, spiritual, and occupational summation in the form of a sea log. Mr. Buckley is famous for his style and intellect, but here are introspection and sensitivity besides. The result is a glimpse into the soul of a very remarkable man and a glimpse at the true source of real conservatism—love, respect, and enjoyment of God's creation. *WindFall* is a sad book by a happy man about the sweetness of life that is inevitably filled with loss and sorrow."

P. J. O'ROURKE

"*WindFall* is the summa we have been waiting for."

DANIEL P. MOYNIHAN

"I can think of no more exhilarating reading for the years celebrating Columbus's first voyage than this renavigation in a sailing ketch by that most dedicated and refined of epicureans, Bill Buckley, with his brave and witty crew."

LOUIS AUCHINCLOSS

"This brave and thrilling ocean passage stands as a resonant metaphor for all our passages: parenthood, friendships, new worlds found, mortality—an arkload of human moments. Buckley's navigation is indeed celestial."

D. KEITH MANO

"I've had the distinct pleasure of reading about this exercise in self-inflicted woe, and the graceful and even fascinating thoughts and recollections it inspired."

JOHN KENNETH GALBRAITH

". . . explains why some of us continue to hang around this exasperating, seemingly arrogant man: we love him, and the quality of his friendship is unique, described here in the most wonderful way."

PETER DUCHIN

"It has always bothered me that such a loving, decent man should appear to write from a vantage point of aloofness. No longer. His manner of dealing with his son during a difficult time, and the death of a friend . . . this is the real Buckley."

TAKI

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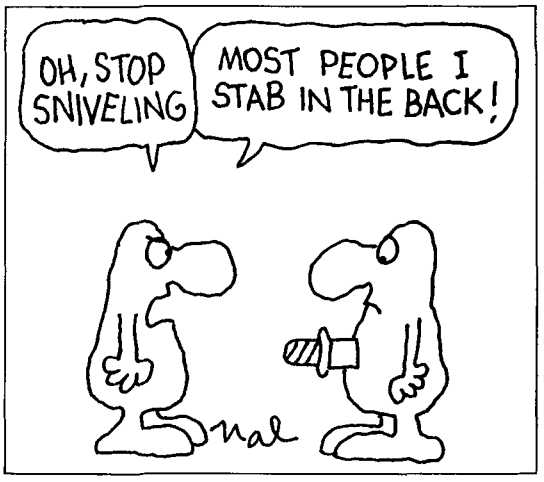

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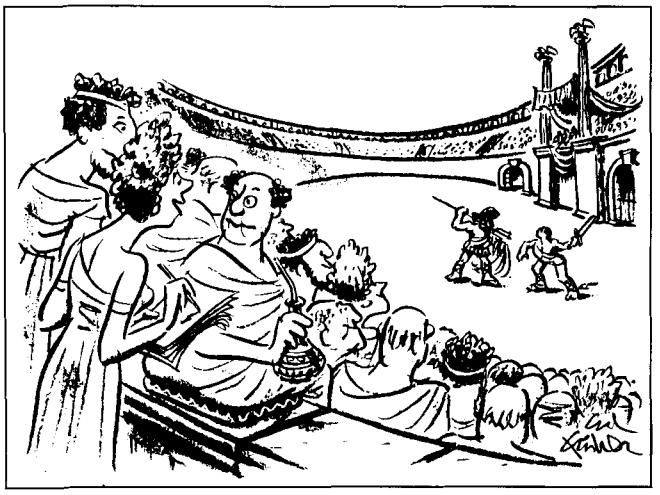
Mr. Bush Is for Change

Like Tweedledee, who never tried
  To upstage Tweedledum
By sporting something svelte, because
  It showed the same old bum,
The President may favor change,
  But more than BVDs
Will have to go if he's to dodge
  A fate like Tweedledee's.

W. H. VON DREELE



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"Excuse me, sir, but would you mind telling me how many hours you spend per week watching the gladiators, and whether you generally prefer beheadings to dismemberings, and . . ."

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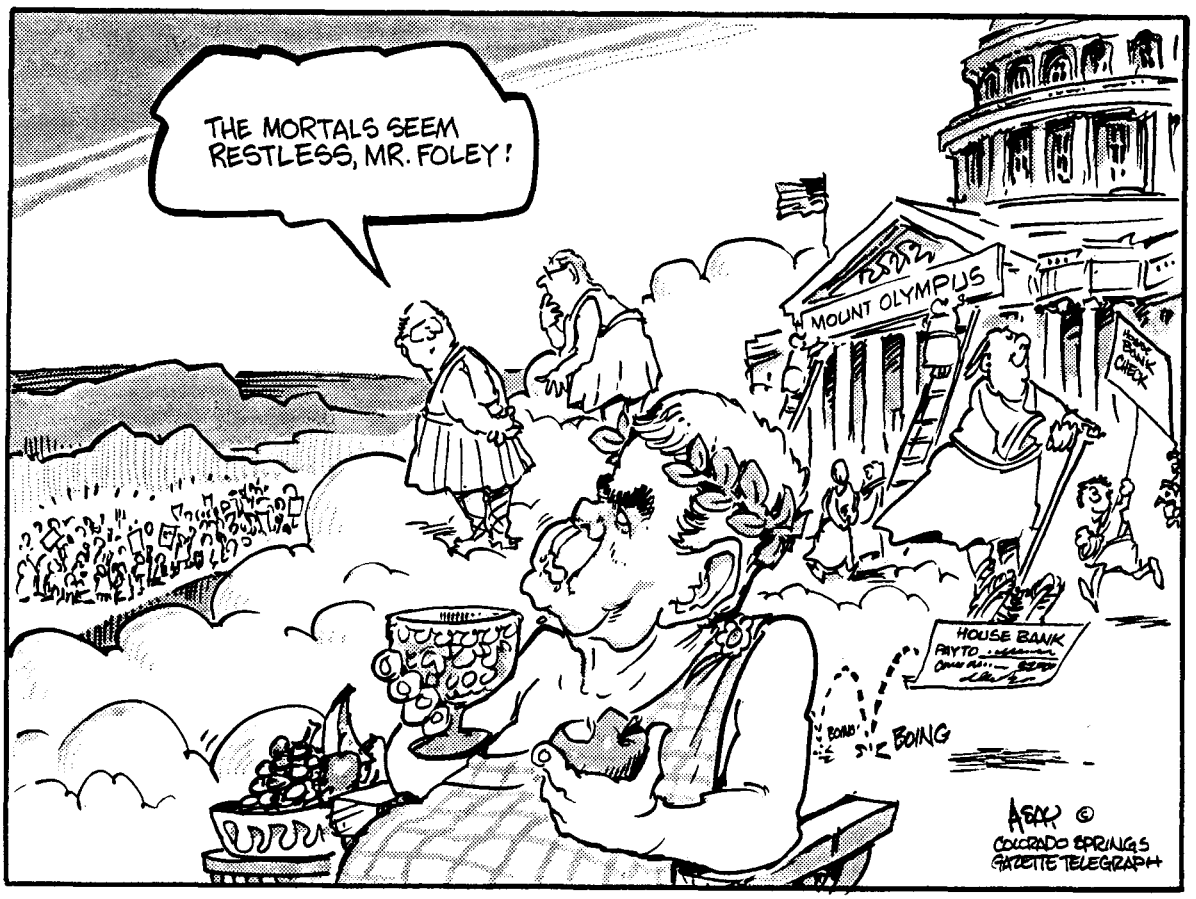

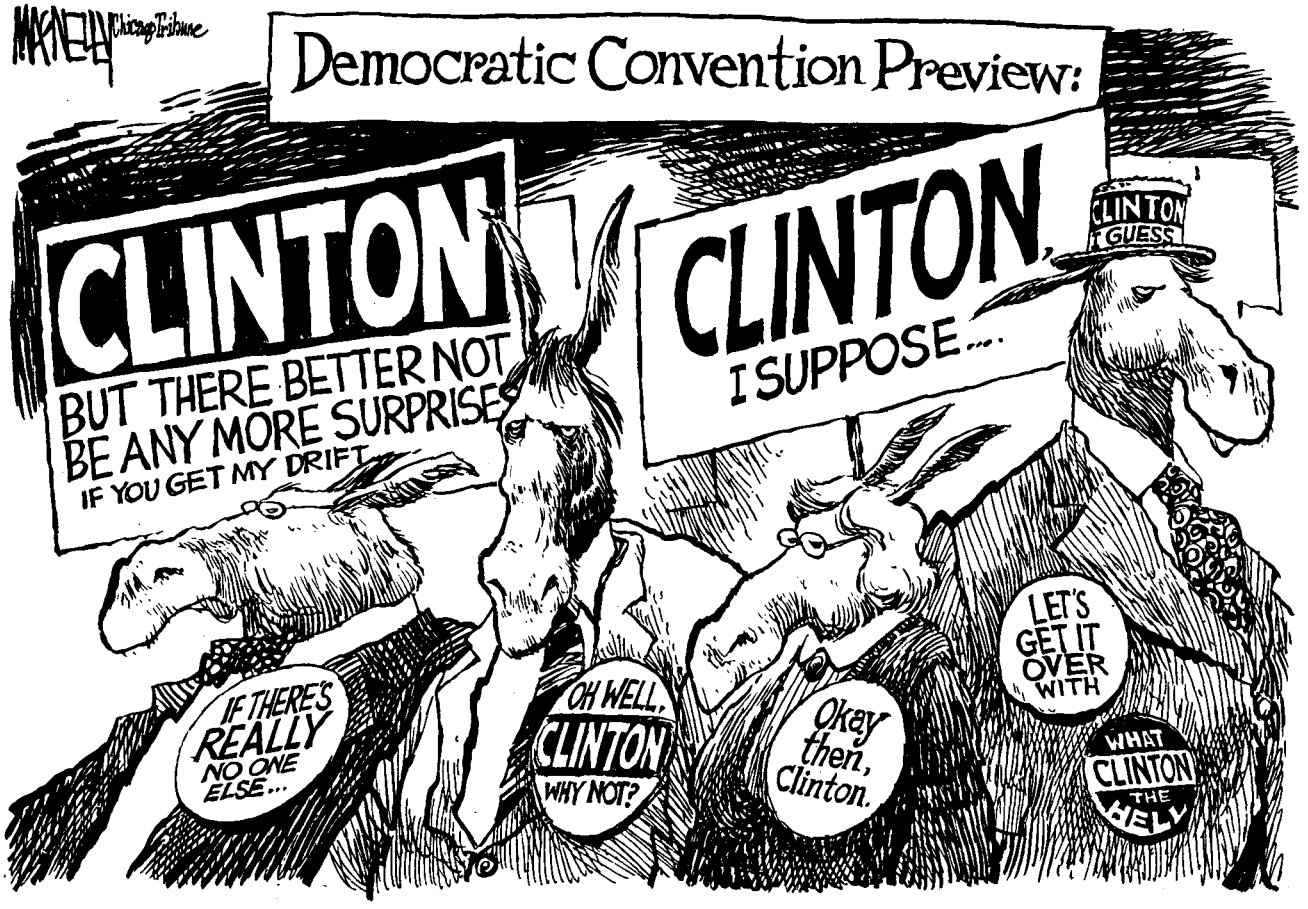
MACNELLY Chicago Tribune
Democratic Convention Preview:
CLINTON
BUT THERE BETTER NOT BE ANY MORE SURPRISES IF YOU GET MY DRIFT
CLINTON, I SUPPOSE....
CLINTON I GUESS
IF THERE'S REALLY NO ONE ELSE...
OH WELL, CLINTON WHY NOT?
Okey then, Clinton.
LET'S GET IT OVER WITH
WHAT CLINTON THE HELL

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Voyage of Discovery

JAMES J. KILPATRICK

IN THE SUMMER of 1492 Christopher Columbus set out to discover *something*. He wasn't sure quite what—gold, maybe, or spices, a new and shorter route to the Orient. Nearly five hundred years later, Wm. F. Buckley Jr. set upon his own voyage of discovery. Both navigators succeeded. Columbus found the Indies, though he left much to be explored. By writing things publicly out of his system, Bill began to find himself.

This is Bill's 31st book, the 6th in an autobiographical series dealing with his life on land and sea. Let me say this up front: *WindFall* is a beautiful, beautiful book, the best of Bill's memoirs. To say that is to say a good deal, for *Cruising Speed* (1971) and *Airborne* (1976) were charming chronicles, and *Racing through Paradise* (1987) held great allure.

This latest book adds a dimension. In the earlier memoirs we saw the author as we have seen him on TV. Now and again we have seen him exhausted. We never before saw him tired. Those who have followed the Buckley career have seen his wit. Here we catch a glimpse of his humor. We know the successes. The day after setting sail from Lisbon, Bill encountered failure—failure that might have cost his own life and the lives of his crew. He speaks of pain, loss, loneliness. He confesses that after his wife and son, "the sea is my best friend." This is Buckley in the round, the microphone cut off and the cameras quiet.

WindFall: The End of the Affair, by William F. Buckley Jr. (Random House, 285 pp., $25)

At first the cruise of the 71-foot *Sealestial* must have seemed another elaborate lark. The skipper would round up a congenial crew; they would follow the trade winds for 4,400 miles from the Canaries to Barbados, and after a month of happy sailing, the friends would disperse and Bill would have the makings of another book.

It didn't work out quite that way. As it materialized, the trip followed closely upon his retirement as editor of NATIONAL REVIEW. Intimations of mortality began to intrude. The book became something of a tribute to friends and institutions that had nourished him for many years, "so many years that I now speak of the end of the affair, not knowing whether I will set out again to cross an ocean; knowing that I will never again serve, as I did for so long, as editor-in-chief of the journal I engendered, and love."

Janet Hamlin

The cap'n did round up a congenial crew. Each of the members kept his own journal of the voyage. They rendezvous'd in Lisbon, and on November 4, 1990, off they went. On November 5, the barometer began dropping. On the 6th it fell suddenly, from 1017 to 1005. For the next 36 hours they fought the worst storm that Buckley had experienced in a life of sailing. The ketch struggled through twenty-foot waves. Squall winds reached 76 knots, hurricane force. The mainsail separated from its mast and had to be hauled in. The dinghy broke loose. Lines whipped madly about the deck. One experienced crewman confessed in his journal that he prayed for his life.

At last the storm abated, and Buckley yielded to introspection. He was not responsible for the defective rigging, for a weak furling line and a worn mainsail. These were responsibilities of the boat's owner who had chartered it.

"But the tactical mistake was my responsibility, as captain in charge of the boat. When the wind gusted up to over thirty knots in turbulent seas with the barometer down as sharply as it had gone, presaging worse yet to come, I should have given one simple instruction: *Gentlemen, we will heave to.*"

If Bill had given this order and taken corresponding steps of good seamanship, the helmsman could have achieved equilibrium "and one could have played chess in the saloon below." He failed. "It haunted me for the balance of the trip that I didn't have the judgment there and then to give the right commands."

The remainder of the trip made up in pleasure what it lacked in drama. The *Sealestial* went to sea with every amenity that could be conveniently brought on board. There were books to read, and classical cassettes to be played on the stereo system, and crepes for dessert in the evening.

Columbus had only a compass and a crude sextant, of little use when the *Santa María* rolled. In the fifteenth century a captain relied upon the North Star for guessing at his latitude. Buckley, a man obsessed with nautical gadgets, had every navigational aid that good salesmen could talk him into buying. He charitably invites his reader to skip Chapter 15, in which he tells us more about WhatStar than most of us want to know, but Bill's enthusiasm is contagious.

WhatStar, I can tell you, makes it simple to find the name of the star you were observing. It really does. And if you are contemplating two stars at the same time, one north and one south,

Mr. Kilpatrick is a syndicated columnist and the author of many books, including The Writer's Art.

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both at the same altitude, "that problem can be eliminated by feeding an azimuth to your computer which focuses attention exclusively on the [appropriate] star." Yes.

My own number-three son, a senior chief quartermaster, USN, says happily of *WindFall* that it is mostly "watch talk," which he defines as the best talk there is. Especially on the midnight-to-dawn watches, when the bridge is dark and the ship is silent, men form bonds of reminiscence and shared experience. At one point Buckley recalls the life and slow death of a friend with whom he had shared a thousand days of cruising. I never met the friend, but at the end of the passage I was in tears.

Buckley's watch talk meanders gently over a host of acquaintances. The conversation touches on Senators David Boren and George McGovern, the Communist Gus Hall, the witness Whittaker Chambers. He speaks of harpsichordist Rosalyn Tureck, writer Tom Wolfe, novelist James Clavell. Reading *WindFall* in my library, I hear the Buckley drawl and sense a trade wind in the rigging.

In one chapter he recalls his performance as harpsichord soloist with the Phoenix Symphony in 1989. The invitation was irresistible. If he were given two years in which to practice, would he undertake as guest star to play a Bach concerto? Would George Plimpton play with the Detroit Lions? Buckley prudently chose the shortest of all Bach concertos, and plunged into a demanding schedule of lessons and daily practice.

When time came for the performance, he suffered—this is hard to believe—from stage fright. He struck wrong notes in passages that he had perfectly memorized. He was visibly nervous. The critics gave him A for Effort, applauded his "good will and adventurous spirit," but suggested by unkind inference that he stick to the commentator's trade. The best that could be said, perhaps, was that the soloist and the orchestra "finished neck and neck." Buckley felt "the despondency of a failed performance," but was cheered by the praise of a great harpsichordist who heard him:

"We watched and heard a performer motivated entirely by his love for the music at hand. . . . Here was no ulterior desire to impress. Self-aggrandizement is an unlikely motivation in the mind of one already so aggrandized in other fields, enough, perhaps, for several lifetimes. No desire for mere attention can explain a carefully premeditated swan dive into the tricky musical performance field. Wm. F. Buckley Jr. is not a fool. He is quite simply enamored. The object of his affection goes by the name of Bach."

In an intimate chapter that must have been the hardest writing Bill has ever done, he speaks of his estrangement from his only son and their eventual reconciliation. The experience taught him a sobering lesson on the pitfalls of love, which are quite different from the pitfalls of Bach and the hazards of sailing.

Bach and the bounding main. Bill Buckley is among the most fortunate of men. He is deeply engaged in a profession that he loves. This is the writer's art, or in the stuffy phrase, the art of communication. (Permit me to report, happily, that in *WindFall* Bill has curbed his passion for unfamiliar words, i.e., words that are unfamiliar to me but are not unfamiliar to him. He speaks of the Mormon Tabernacle Choir singing an *apopemptic* hymn, and he mentions an *heuristic* essay by son Christopher, but except for a reference to his own *opsimathy* the work requires no translation.)

A writer ought not to live by writing alone. My brother Buckley bears the blessings not only of his own God, but of Euterpe, the muse of music, and Poseidon, the regal ruler of the seas. "What needs to beat within you," he writes, "is the desire to see." The Columbus cruise of the *Sealestial* coincided with his 65th birthday. I suspect it will live as his best. □

A Capital Life

EDWIN M. YODER JR.

IT happens that we got this wonderful book only by the skin of our teeth. Friends had begged Joe Alsop for years to write his memoirs, for the celebrated Washington columnist was nothing less than a walking institutional memory of people and affairs in the capital from the New Deal period into the Eighties.

Alsop merrily rebuffed these pleas with implausible excuses, of which the least plausible was that he would have to tell unpleasant truths and, in telling them, would alienate his few remaining friends. This was Alsopian humbug. His friends knew that for good cause he would tread heavily and happily on every toe in sight, belonging to friend or foe.

I've Seen the Best of It: Memoirs, by Joseph W. Alsop, with Adam Platt (Norton, 495 pp., $29.95)

Nearing the end of his life—he died in the late summer of 1989—Alsop finally relented and began this collaboration with Adam Platt, a young Washington journalist. Alsop died before the work could be finished, but it bears his authentic stamp. The memories of his family, childhood, and education are vintage stuff, as good in their way as his splendid FDR reminiscence of 1982. Even later chapters, with whose final drafting Alsop himself had less to do, are skillfully strung together by his young ventriloquist from authentic sources: conversations, letters, old columns, books, and magazine pieces. The overall effect is intensely pleasing—a journey into that "visitable past" of which Henry James once wrote, the past we sample through the eyes of one who lingers from a faded world.

Joe Alsop claimed to be put off by the word "aristocracy," even on the lips of people he liked and trusted. But he knew very well that there was an American aristocracy, differ though it might from European versions, and that he himself was among its most exotic specimens. Descended from notable New England and New York families, he was a grand-nephew of President Theodore Roosevelt, and had inherited from that vigorous and assertive ancestor a sense of public duty and an almost proprietary notion that it was his to define.

Indeed, these memoirs open with a mellow recollection of what he calls "the Wasp Ascendancy," that complex

Mr. Yoder, who was editorial-page editor of the Washington Star *in the late Seventies, is now a syndicated columnist.*

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of old families of colonial Protestant origins who until recent decades ruled the American scene socially, economically, and even to a degree politically. Strenuously though Joe Alsop might distance himself from some of that group's grasping qualities, this book is permeated by "Wasp" values. This is the key to understanding what Joe Alsop was and accomplished.

Born in 1910, schooled at Groton and Harvard (Class of 1932), Joe Alsop emerged into the Depression world. He immediately went to work for the *New York Herald Tribune*, flagship of the Eastern Republican patriciate. Its publisher, Mrs. Ogden Reid, was a friend of his grandmother, who engineered Alsop's initiation as a scribbler in order—he says—to save him from the menace of three more years in Cambridge as a law student and the family affliction of the Oyster Bay Roosevelts, alcoholism.

Here as elsewhere, Joe Alsop wonderfully evokes the shocked reaction of the *Trib*'s editors, confronted by an odd-talking fat boy who had never written a newspaper story in his life. His talent soon silenced all doubts. Alsop proved to be a natural observer and reporter and a writer of elegance and skill. His sidebars from the New Jersey trial of Bruno Hauptmann for the Lindbergh kidnapping won him assignment to a coveted slot in the *Trib*'s dinky Washington bureau. There he flourished, both journalistically and culinarily, so richly wined and dined that he ballooned to 250 pounds and a physician's ultimatum: Lose weight or die. He entered a special clinic at Johns Hopkins and lost the weight. Meanwhile, he covered the great breaking story of 1937, cousin Franklin's effort to pack the Supreme Court. Alsop's brilliant reporting of the story won him an offer to write a column. This he did, in collaboration with a *Trib* colleague, Robert Kintner, until shortly before Pearl Harbor.

He was not yet thirty.

In late 1940, it was off to war as a Navy officer, but in a characteristically Alsopian fashion. He resigned his Navy commission (having discovered that it was a glorified public-relations slot) and linked up with General Claire Chennault, of "Flying Tigers" fame. In Chiang Kai-shek's Free China, he acted as Chennault's political troubleshooter and, behind the scenes, as an active partisan in the long, bitter strategic dispute between Chennault and General "Vinegar Joe" Stilwell.

He returned to Washington, by now a captain in the Army Air Corps, and was mustered out in 1945 to resume his column. His new partner was his brother Stewart. The two of them soon established their "Matter of Fact" column as rival to the columns of Walter Lippmann, Frank Kent, and Arthur Krock. With Lippmann and, a bit later, James Reston, they dominated this odd branch of Washington journalism throughout the late Forties and Fifties. These were eventful years, in which the cold war developed, the decision to build the hydrogen bomb was made, South Korea was invaded. They were the years of McCarthyism, the Oppenheimer case, and finally the election of Joe's great personal favorite, John F. Kennedy.

It is in a way paradoxical that the Alsops were, at once, advocates of a stern, unbending anti-Soviet foreign policy and the arch-foes of all the eminent rascals—McCarthy, Jenner, McCarran, and others—who sought to profit in politics by playing upon the alleged domestic anti-Communist menace. The former stance gave them credibility for the latter. The Alsops condemned McCarthy as a liar, exposed the mendacity of paid congressional witnesses like Louis Budenz, and defended Dr. J. Robert Oppenheimer at great length against the AEC proceedings that cost him his security clearance.

Generally speaking, however, the chapters of *I've Seen the Best of It* covering these ancient public issues, good as they are, are less valuable than the personal memories and insights that accompany them. Many of these are of special interest—none more than Joe Alsop's claim to have used genteel blackmail to prod a reluctant Eisenhower Administration into a showdown with Senator McCarthy.

By his account, Alsop called one day in February 1954 on White House Chief of Staff Sherman Adams. He handed Adams a list of the Communists who had penetrated the German occupation forces during Eisenhower's brief stint as Supreme Commander. It was Alsop's theory that Senator McCarthy, having conquered the State Department and the Army, would shortly move against the President

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himself, exploiting the occupation story and accusing Eisenhower of the same softness on Communism of which he had by now accused so many others. Alsop told Adams that he and his brother proposed to pre-empt the revelation and report the information first. Adams got the point and promised that the Administration would now get tough with McCarthy. Alsop, by his account, then assured Adams that he and Stewart would let the occupation story rest.

It is a fascinating sidelight on the story of McCarthy's decline and fall, though so far as this reviewer knows, Joe Alsop himself remains the only source for it.

Alsop never worried that such proximity to power would corrupt him—it was simply unthinkable. His mingling on friendly terms with the high and mighty, even when in search of a story, sometimes scandalized his journalistic colleagues—especially when in the last great fight of his career he beat the drums unendingly for the U.S. cause in Vietnam. But there is no evidence—none known to this reviewer at any rate—that personal interest ever swayed Alsop's conception of the public interest. His views might be eccentric and willful; he might express them in uncivil and overbearing terms. They were never self-interested or prompted by the wish to flatter or butter up powerful friends.

But we must not give a misimpression of heaviness. While these memoirs will provide historians with valuable nuances and sidelights on an age now receding from view, for the ordinary reader they are vivid, funny, and informative—everything that memoirs should be. Adam Platt deserves great credit for saving a true historical resource, the Alsopian memory, from undeserved oblivion. □

The Grand Style

TERRY TEACHOUT

OLIVER Wendell Holmes was a double man. A lifelong atheist who "sneered" at the concept of natural law, he took a libertarian line on freedom of expression, strongly arguing in *Abrams* v. *United States*, his best-known dissenting opinion, that "when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas." Yet Holmes believed no less devoutly in the right of legislators to conduct "social experiments that an important part of the community desires, in the insulated chambers afforded by the several states," going so far as to allow the state of Virginia to forcibly sterilize an unwed mother on eugenic grounds. Such a man cannot easily be bundled into a tidy intellectual package, although H. L. Mencken did a pretty good job of it when he described Holmes, who was wounded three times in the Civil War, as "a soldier whose natural distaste and contempt for civilians, and corollary yearning to heave them all into Hell, was cooled and eased . . . by occasional doubts, hesitations, flashes of humor, bursts of affability, moments of sneaking pity."

The Essential Holmes: Selections from the Letters, Speeches, Judicial Opinions, and Other Writings of Oliver Wendell Holmes Jr., edited by Richard A. Posner (Chicago, 328 pp., $24.95)

Holmes's reputation has oscillated wildly in the six decades since he retired from the U.S. Supreme Court at the age of ninety. In the Twenties and Thirties, American liberals claimed him as one of their own; today, Holmes's ferocious epigrams and unswerving commitment to the austere tenets of judicial restraint and social Darwinism ("I have no respect for the passion for equality, which seems to me merely idealizing envy") are likely to horrify the grandchildren of his early admirers. Yet scholarly interest in Holmes continues to run high. Two full-length biographies have appeared in recent years, and Richard A. Posner, who sits on the U.S. Court of Appeals for the Seventh Circuit, has now produced the first comprehensive anthology of Holmes's writing since Max Lerner's creaky 1943 volume *The Mind and Faith of Justice Holmes*. Brilliantly edited, lucidly organized, and equipped with a compelling introduction by Judge Posner, *The Essential Holmes* is one of the finest single-volume samplers of any author's work I have seen.

It's easy to see why Richard Posner, godfather of the controversial law-and-economics school of legal theory, is interested in Holmes. Like Holmes, Posner is a pragmatist who rejects the concept of natural right, preferring to view the law as a functional instrument rather than a moralistic one; like Holmes, Posner is very much the literary jurist, as his excellent book *Law and Literature: A Misunderstood Relation* shows, and he obviously responds not merely to Holmes's legal doctrines but to his style and personality as well: "Not only was Holmes a great jurist, a great prosodist, a great intellectual; he was a great *persona*, a great American, a great life."

"Personality always contains something unique," Holmes wrote in *Bleistein* v. *Donaldson Lithographing Co.* Because Holmes was so vigorous and pithy a stylist, his own personality comes through strongly in his writings, lending them a permanent interest that transcends their judicial significance. Not surprisingly, this aspect of Holmes has been underappreciated of late. One of Holmes's recent biographers, doubtless aware that unguarded praise of his subject might be used against him in a court of sensitivity, nervously described the author of "The Soldier's Faith," that most provocative of Memorial Day addresses, as "a violent, combative, womanizing aristocrat . . . who in personal letters seemed to espouse a kind of fascist ideology." Certainly Holmes's ruthless philosophy ("Doesn't this squashy sentimentality of a big minority of our people about human life make you puke?") was and is strong medicine, not to be casually quaffed by prigs. "The real Holmes," Grant Gilmore has written, "was savage, harsh, and cruel, a bitter and lifelong pessimist who saw in the course of human life nothing but a continuing struggle in which the rich and powerful impose their will on the poor and weak."

Richard Posner is infinitely more

Mr. Teachout is the author of City Limits: Memories of a Small-Town Boy. *He is at work on a biography of H. L. Mencken.*

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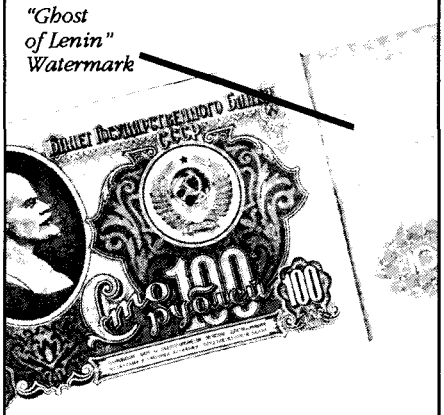

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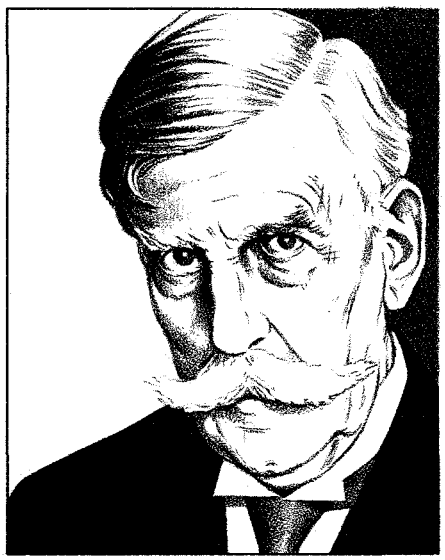

Anthony Martin

comfortable with the real Holmes than was Max Lerner. Moreover, Posner has the advantage of being able to draw on the many Holmes letters that have been published since 1943. Holmes was one of the great letter-writers, and his correspondence reveals him to have been a man of formidably wide culture, a bred-in-the-bone Brahmin who nonetheless devoured modern writers like Colette and Ernest Hemingway with relish and whose casual comments on literature invariably stick in the mind. Here, for instance, is Holmes on George Santayana: "I said (considering his possible retention of his membership in the Catholic Church) that he stood on the flat road to heaven and buttered slides to Hell for all the rest, so well does he state the fundamental skepticisms without committing himself."

Holmes was no political philosopher, and his jurisprudence was ultimately trivialized by the moral relativism that lay just back of his oft-expressed conviction that "if my country wants to go to Hell, I am here to help it do it." But one need not embrace Holmes's mechanical skepticism in order to warm to his Johnsonian abhorrence of cant or his Puritan determination to "touch the high C" in everything he did. "There are few who, reading Judge Holmes's letter of resignation, will not feel that here they touch a life done in the grand style," Walter Lippmann wrote in 1931. To read *The Essential Holmes* is to encounter that same style: stoic, unsentimental, full of mordant gusto, stalwart in the face of the void. Oliver Wendell Holmes may have been a flawed jurist, but he was an irresistible man, and Richard Posner has fully captured the acrid tang of him in this masterly anthology. □

FILM

Of Love and Death

JOHN SIMON

TWO films and both of them good; wonders will never cease. Take, first, ***The Playboys***, co-scripted and directed by Shane Connaughton, scenarist of the remarkable *My Left Foot*. The story, set and shot in the village of Redhills in Eire, just south of the border with Northern Ireland, allows for a good deal of comic smuggling and, the period being 1957, just the mildest kind of IRA activity. For drama—of a sort—there is only the arrival of the Playboys, a less than mediocre company of traveling players who clumsily erect their tent on the village green.

Earlier, there was a bit of domestic excitement. Tara, the beautiful young seamstress who lives with her likewise unmarried sister, Brigid, gave birth to an illegitimate baby. The fierce ex-drunkard of a village constable, Hegarty, is obsessed with Tara and wants to marry her; she doesn't love him, but cannot shake this importunate suitor. Or Father Devlin, the narrowminded priest, consumed (like the rest of the villagers) with curiosity about the identity of the father, and insisting that she marry Hegarty, who loves her enough to ask no questions. Other men, equally unwanted by Tara, are smitten; the maniacal Hegarty sees to it that they come to no good end. Brigid has a much less complicated time of it with the village blacksmith; but, then, she is not beautiful, headstrong, and romantic.

The itinerant histrions are led by Freddie, an amiably blustering buffoon with Shakespearean delusions.

Mr. Simon, NR's film critic, is also theater critic for New York *magazine.*

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The Playboys—and playgirls—are a typical bunch, including among others, one comic IRA man and a temporary juvenile lead, Tom, who seems to have spent some time in America and hopes to get back there soon. Young, handsome, and charming, he is the darling of ladies inside and outside the company, but he is barely interested until he sees Tara, and she him. Soon the atmosphere crackles with potential, then actual lovemaking; but there is also Hegarty, the love-maddened fanatic, who'll stop at nothing to stop those two.

A village youth commits suicide, not exactly over rejection by Tara, but the villagers fall into the post hoc, propter hoc fallacy, and feelings against Tara, whom Father Devlin denounces from the pulpit, run high. The worst part seems to be that she won't identify the baby's father. Someone even chalks the word "HOOR" on Tara's door, proving that local spelling is no better than local logic. But Tara is indifferent to everyone except Tom, the first man who understands and doesn't judge her. But always there's Hegarty.

The picture has the authenticity of lived life; indeed, Connaughton's father was the village policeman, and some scenes were shot in the very house where Shane grew up. Clearly much of this film is autobiographical, and luckily this Irish village has barely changed in seven lustrums. The actual villagers, especially the children, are given the function of a commenting chorus. The ludicrous performance of *Othello* by the Playboys is yet another comic commentary: Hegarty's jealousy grotesquely echoing the Moor's. Even the sumptuous County Cavan landscape becomes a silent commentator encouraging passion, especially as photographed by Jack Conroy in colors always on the verge of dissolving into pied, or pie-eyed, ecstasy, but always pulling back into a semblance of sobriety.

Pulling back from the whisky, though, is at last what Hegarty can no longer manage, and in the end all Hibernian Hell breaks loose. But the subsequent happy ending feels wrong to me. To put it in Syngean terms, there is, titular similarity notwithstanding, less kinship here with *The Playboy of the Western World* than with *Deirdre of the Sorrows*, which cries out for a tragic ending. Such uncontrolled violence is afoot that I cannot quite swallow a happy conclusion, however toughly and touchingly Connaughton and his co-scenarist, Kerry Crabbe, have written it, and however compelling the acting is from first to last.

Albert Finney does for Hegarty everything possible and even the near-impossible, which is to make this dour and destructive character likable. Aidan Quinn keeps getting better as an actor: *At Play in the Fields of the Lord* (an interesting and rather underrated film) stretched him considerably; here, as Tom, he displays further maturity, without losing the boyishness that is his mainstay. Milo O'Shea gives a—for him—nicely restrained performance as Freddie, though to avoid all suspicion of overacting he would have to trim his trademark eyebrows, bushy enough to thatch a cottage with. The supporting cast is as aromatic as Irish character actors can get, but the real find of the movie is Robin Wright as Tara. Seen hitherto in nugatory enterprises, Miss Wright is here spunky and temperamental, yet capable of a quick shift into a rich, deeply felt feminine quietude and warmth, and is, in a word, right. Gillies MacKinnon, though Scottish, has directed idiomatically; it must be the Gaelic connection.

■ With his latest, ***A Woman's Tale***, the Dutch-born Australian director Paul Cox has won me over completely. This is a rare, honest, moving but not maudlin, melancholy but not depressing film about old age, illness, and dying. Cancer here is not a tear-jerking or "artistic" element, but a simple fact of life with which you live as best you can.

Cox saw the distinguished Australian actress Sheila Florance in a play over a quarter-century ago and vowed to make a movie with her. After two lesser efforts, he wrote *A Woman's Tale* for her. Miss Florance was dying of cancer, so the script is about an old, cancerous, but infinitely brave woman, and the result is a film that could make you live your life better, something you cannot say about many movies, these or any days.

I'm not sure whether it was a good idea to make Martha, the protagonist, not an actress. The pictures and mementos around the apartment bespeak one (they are clearly Miss Florance's

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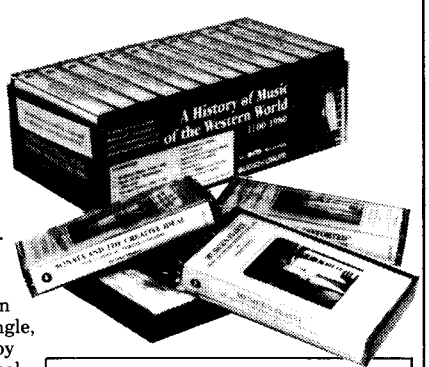

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own), as does much about Martha's personality. But by turning her into a generic old woman, Cox has made her more ecumenical, even if slightly less credible. Her speech, for example, is much too fine for your ordinary middle-class Australian; that superb diction is the legacy of the London stage, where Miss Florance plied her craft between 1935 and 1950. Yet such elocution serves the character of Martha in good stead: it conveys a gentility that labels her not arrogant or snobbish, but simply a person who believes in crisp, clear speech as a token of civility, a way of partaking in and spreading the grace of culture.

The characters surrounding Martha are flavorous, too. There is, first, the visiting nurse, Anna, a young Polish woman whom Martha calls Malinka (Polish for Little One), and whom she has totally won over by such kindnesses as letting her use her apartment and bed for trysts with a married lover. This situation is handled with consummate tact. The lover is no Romeo, but an unremarkable, shy, middle-aged fellow; Anna herself is appealing and decent, but in no way idealized. Their affair is a basic necessity for two otherwise savorless lives.

Martha's immediate neighbor is Billy, an even older and much lonelier person. Martha has joy and energy and a son who, in his clumsy way, loves her, even if his wife does not; Billy's family takes no interest in him. Martha has a cat and a canary; Billy, only an old record-player. But Martha looks after Billy, and also has other friends: Miss Inchley, a cheerful ninety-year-old whom Martha slightly patronizes for being a virgin (she has to have someone to feel superior to); and the streetwalker who operates nearby. The landlord, to be sure, is a typical feelingless clod, as landlords are everywhere; but the downstairs neighbors, two excitable French homosexuals, are an interesting couple, laconically but cannily observed.

Above all else, though, it is Martha's friendship with Malinka that grows and flowers. The symbiosis of these so different women is sympathetically but unsentimentally set forth. Film has generally been able to depict romantic love, family love, even more specialized loves—a boy's for his dog, say, or a dog's for his boy. But affection—pure, simple affection, or what Goethe called "elective affinity"—has rarely been filmed with such pristine dignity. Cox never says anything so banal as "surrogate mother finds surrogate daughter"; indeed, he never *says* anything at all; we are left to figure out the nature of this profound, realistic, and moving bond.

The film features two kinds of effective slowness. The direct kind, as when Anna takes Martha out of the hospital so she can die in her beloved apartment, which the landlord has repossessed but Malinka reclaims for Martha. The first outdoor sight that catches Martha's eye is a tree in the hospital parking lot. As a botanical illiterate, I can only say that it is a fairly humdrum tree with long, willowy branches and tiny or no leaves. But the wind soughs in this tree, and the branches dance to his song. The camera holds on this. It is up to us to discover what nature means to a human being *in extremis*.

And then the delayed-effect slowness: Martha's beloved canary is called Jesus, which gives rise to all sorts of minor merriment. But the payoff comes when Anna sneaks into the now dead woman's apartment to rescue the bird that has been solemnly left to her care. The landlord materializes and points suspiciously to Anna's bosom, which must hide something precious. Asked what she's got there, she answers, "Jesus," and the landlord dismisses her with a condescending laugh. This double entendre achieves a funny and solemn sense of reverence that touches even a nonbeliever.

There are many kinds of relationships in *A Woman's Tale*; in fact, the movie is almost all relationships, with hardly any plot. Some of these are warm and sweet, some ugly and cold. But all are thoroughly human and minutely observed. Art is everywhere: in the writing (by Cox and Barry Dickins), in Cox's direction, in the unassuming camerawork of Nino Martinetti, in the unobtrusive music of Paul Grabowsky. And, of course, in the acting.

Sheila Florance received the Australian Best Actress award in her hospital room, nine days before she died at age 75. Never was an award more merited. Not because the actress was moribund, but because, like the movie, she was full of enjoyed, exuded, freely shared life; and because she was able to communicate goodness without sanctimoniousness or sugariness or (a protective device that often backfires) a trace of gruffness. Many of the film's episodes were taken from her life, and devolve to her further glory. As Anna/Malinka, the Polish-born Gosia Dobrowolska is also outstanding, of a spontaneity utterly devoid of sappiness, of a self-renewing bounteousness like the waterfall that is one of the film's loveliest images. The other performances are spot on as well. Perhaps the best way to describe them is to say that in them professional actors come across as natural as characters in a documentary. See this film. □

THEATER

Adult Entertainment

JOSEPH SOBRAN

BROADWAY is teeming with revivals this year, three of them Frank Loesser musicals: ***The Most Happy Fella***, ***Guys and Dolls***, and the imminent *How to Succeed in Business without Really Trying*. The first two are already smash hits, and they deserve to be. But their success is a sign of something more than their merits, or even Loesser's magic.

Fella is Loesser's 1956 attempt at an American transposition of Italian opera; most of its dialogue is sung, not spoken. The hero is an Italian immigrant and Napa Valley grape farmer, Tony Esposito, whose mail-order bride becomes pregnant by another man—on their wedding night, no less. We have the makings of a Verdi stabfest here, but Tony is less an Italian than the lovable stereotype thereof, so the tone falls between sweet and bittersweet (but nearer to sweet).

Tony is an aging, balding, hulking man who has sent his prospective young bride a picture of one of his handsome young farmhands, Joe, so as not to scare her off. When she arrives, she meets Joe and naturally mistakes him for Tony; and when Tony is badly injured shortly after the error is corrected, she falls into the

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arms of Joe. But she marries Tony, and learns to love him before realizing that she's carrying Joe's child. She withholds this explosive secret from Tony as long as she can, but finally has to tell him.

This production has diverse delights, but it's notable mostly for two things. One is Spiro Malas's endearing and beautifully sung Tony. An operatic bass-baritone, Malas can boom infectiously or hold a soft note so quietly that the audience stops breathing until he cuts it off. He infallibly gets laughs, always in such a way as to increase your sympathy for Tony. He makes the stereotype live.

Alan Nahigian

What also stands out, alas, is the two-piano accompaniment that has replaced the orchestra in this production. Loesser himself authorized and supervised the arrangement before he died, so that *Fella* could be mounted by companies who couldn't afford the full treatment. But on Broadway, at $55 a ticket? The loud percussion sometimes drowns out the singing and constantly makes the production sound cheaper than the seats.

Guys and Dolls, which dates from 1950, is one of the very greatest musical comedies, and with the brisk direction of Jerry Zaks and the thrilling choreography of Christopher Chadman, it gets the production it deserves. The sets and costumes are nicely-nicely stylized, with colors that start at blazing yellow and flashy turquoise, proceeding to the truly loud. The cartoonish quaintness suits the story perfectly. The wit ain't subtle, but it's terrific. Your eyes are laughing before you hear a line sung or spoken.

The 1955 movie, with Marlon Brando as Sky Masterson and Frank Sinatra as Nathan Detroit, was drab and leaden. Maybe it was nobody's fault; the Damon Runyon characters aren't meant to be seen in close-up. Intimacy wrongs these caricatures; smaller-than-life figures become grotesque in CinemaScope. The rakish dual love story of two gamblers and their dolls works best as a series of light skits on the stage, where sheer space prevents anything from getting out of proportion and a broad performance, like Vivian Blaine's immortal Adelaide, "the well-known fiancée," doesn't overwhelm the audience with its comic excess.

The new production belongs to Faith Prince, who gives Miss Blaine a run for her immortality. She nearly stops the show every time she shows up. The peak, inevitably, is "Adelaide's Lament," her squeaky, sniffling recital of psychosomatic ailments induced by Nathan's 14-year procrastination at the altar. I've never seen a performer with greater comic command of the stage—and this would be a splendid show even without her. Every song still scores, no matter what sentiment it aims at.

Why this burst of revivals—not only of Loesser, but of Gershwin, Porter, Coward, Meredith Willson, and other Broadway classics? I think it's a happy symptom of a craving for adult entertainment, in an age when that phrase has perversely come to mean adolescent prurience.

Henry Allen of the *Washington Post* has recently written that we are awash in adolescent morbidity these days: "television freak shows," nonstop intensity, celebrity confessions, political fanaticisms, who-asked-you self-revelations, professional victimhood, activist disruptions, violent bad manners, and general ghastly seriousness—all marks of a pervasive self-absorption and self-importance that require us to endure unsolicited intimacy with a lot of boring people who think their problems and obsessions should take precedence over our right to go about our own business and enjoy our privacy.

The musical comedy, on the other hand, is the fine fruit of a special American style of urbanity. It belongs

Mr. Sobran, NR's Critic-at-Large, writes a twice-a-week column for Universal Press Syndicate.

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to an age of levity and surface polish, which means civility, which means maturity. Grownups didn't use to think their problems were necessarily of urgent interest to everyone else; and entertainers didn't use to think they weren't doing their job unless they bared body and soul, during and after working hours. They knew the serious side of life, including sex, as well as this generation does, but they also knew how to deal with it allusively and with delicately risqué wit, instead of dragging it into full view on each and every occasion. They trusted other grownups to get their drift, and respected them enough not to suppose meaning could be conveyed only by the gruesome, tiresome explicitness of obscenity and psychobabble.

The Most Happy Fella and *Guys and Dolls* are both knowing about sex, but they count on a knowing audience that doesn't need lessons about life. If Frank Loesser was an alcoholic or a victim of child abuse, that was his business. His deal with the audience was to amuse, that's all; and it was enough. His kind of entertainment was the art of a jaunty civility—very New York, in the truly good old days—in which people kept a certain friendly distance that didn't preclude the fellowship of humor and other warm emotions. Being cheerful was a social duty, trust was established by good manners, and nobody thought Fred Astaire and Nat King Cole were shallow phonies for smiling at the public.

You can overdo good humor, but by now we've been overdoing its opposite long enough. "Authenticity" has become a schtick. It's not adolescence we look back on with nostalgia these days; it's adulthood. Maybe the current Broadway revivals are a sign that adulthood is making a comeback. And not a moment too soon. □

DELECTATIONS

On the Veldt

LINDA BRIDGES

BARRING wild-eyed ideologues, nearly everyone who has visited South Africa has memories of some institution that he prays will not be swept away in the coming changes. My own list of such places is long, but very near the top of it is Mala Mala.

When I was planning my trip, I asked for advice from a friend who had been to South Africa many times. Before urging me to visit the great battlefields—Rorke's Drift, Isandhlwana, Blood River (which I also did, but that's another story)—he said, "I suppose you'll want to go to a game park, though, frankly, when you've seen one impala, you've seen them all."

Yes, I did want to go to a game park, and as I hadn't yet seen one impala, I didn't think there was much danger of boredom in a single weekend at Mala Mala, one of the three parks run by a private company, Rattray Reserves, on the western edge of Kruger National Park.

What I *was* afraid of was that it might be sort of like the Bronx Zoo as operated by Club Med—a bit too safe, a bit too posh. That fear started to evaporate when we arrived at the entrance to the Rattray property and learned that the Mala Mala lodge was ten miles north of the gates; and that the dirt road was varied with gullies and patches of sand. Not having bargained on an hour's journey, we were late for our first game drive. But not to worry, said the pleasant young lady at the desk (uh oh—Club Med after all?): Jock here, a young man with the cheerful bronzed look of a ski teacher or tennis coach, would take us out to join our group as soon as we had settled in. We were shown to a round building mimicking the native *rondevaal*, but no sooner had coffee arrived than the phone rang. It was Jock; if it wouldn't inconvenience us, he asked urgently, could we hurry back? He had radioed and learned that our ranger was stalking a leopard.

We did not yet know how rare a treat a leopard was, but nonetheless we hurried. "Hang on," said Jock, as we jounced away in the open-topped Land Rover twice as fast as I had dared take the little rented Ford. A giraffe ambled across the road and Jock shouted, "Out of the way!"—we would be seeing plenty of giraffes, he explained. A little further on, he pulled to a stop and motioned for silence. There, in a small clearing, were two Land Rovers and one leopard.

The leopard had lain down for a rest—the Rovers had been following him for a couple of miles—but although he yawned prodigiously, his pink mouth ringed with inch-long teeth, he was far from asleep. The tip of his tail twitched thoughtfully, and one was struck by how like and yet unlike a housecat he was.

After several minutes, Jock and Glenn, our ranger, maneuvered the two vehicles together. We would have to go over the top, Jock whispered, and Glenn later explained: The animals perceive Land-Rover-with-humans as a neutral entity, neither threatening nor enticing; human-without-Land-Rover is easily mistaken for dinner.

After a few more minutes, when our spotted friend showed no signs of moving, we went off in search of other game. Once it was safe to talk we met Glenn, also cheerfully bronzed, who was driver as well as guide; Jim, our black tracker, who rode up in the observation seat in the back; and our fellow guests, Johannesburgers who came here often and proved to be only slightly less sharp than the professionals at spotting a bird or an animal against a camouflage background. The shock at nature's perfection was sharp each time, when that tree you were staring at resolved itself into a giraffe's neck; the long grass, into a zebra. Who would think that such flamboyant coloring could appear positively sub-fusc?

The profusion of hooved animals that dusk was dazzling—an immense herd of wildebeest and zebras; a male and a female nyala, so different in looks and size that one would not have thought them the same species; kudu, with their delightfully corkscrewed horns; more zebras, this time two families, with foals; and (yes, Tony) quite a lot of impala. (Indeed, there are enough impala that the herds need to be thinned regularly; we were served impala meatballs when we stopped for a sundowner, and roast leg of impala for dinner that night.)

Our next find was another lot of cats: two lionesses with a total of five

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Miss Bridges, NR's Managing Editor, is co-author of the recently published The Art of Persuasion: A *National Review* Rhetoric for Writers *(National Review Books).*

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cubs. The mamas stonily ignored us, though the cubs looked interested, and they were so much like expanded, furry-eared versions of domestic kittens that one had the illusion one could cuddle them—an illusion the mamas did as much as Glenn to disabuse us of.

As we followed their slow progress, hoping they would lead us to papa, Glenn explained that what we had read of lion family life is true. Rangers had recently found a cub dead of a broken neck; the evidence suggested that he had foolishly tried to claim a portion of impala too soon, and his sire had reached out and thwacked him.

We still hadn't found the male, but it was now full dark—time to go back. The drive up was more cautious than the drive down, and as we came to a large clearing Glenn suddenly braked and swerved off to the right. There, blinking in the glare of the spotlight that Jim shone on him, stood a rhino as big as our Rover. Fortunately, he was a white rhino: neither sort can see very well, but white rhinos are timid, whereas black rhinos charge at what they can barely see.

Soon, we left him to his dinner and headed back for ours, a *braai* (barbecue, the South African national sport) under a venerable tree. Dinner was delicious (though, to an American taste, South Africans tend to overcook their meat), with the slight social oddity that the ranger acts as headwaiter, but then sits down to eat with his guests. And at the end of the meal he escorts them to their *rondevaal*. This is not merely courtesy: one evening a guest had wandered away from the settlement and been killed by a water buffalo.

Water buffalo, as it happened, was our prey the next morning. We went slowly, so that Jim could read the tracks, and Glenn told us something of how Rattray's works. The trackers were all black, familiar from childhood upward with the local fauna. The rangers were mostly white, with college degrees in such areas as veterinary science and land management; besides acting as guides, they are responsible for Rattray's conservation work.

We finally found our water buffalo, though we couldn't get close to him. Nonetheless, the glimpses of back and horns counted toward picking up the Big Five: leopard, lion, rhino, buffalo,

Jennifer Lawson

elephant. Guests who have spotted all five are entitled to add to the significant expense of the weekend by purchasing T-shirts and suchlike announcing: Big Five Club.

So, that evening, it was time to fill out our card by finding an elephant. Other rangers had radioed that there was a bachelor herd in the river way down south, almost to the Kruger road. So off we went, a good eight miles. We nosed our way through the brush toward the river, and, sure enough, out on an island were tall, tall reeds, above which, every few seconds, flipped a huge grey ear or trunk. We backed out and drove round in search of a close-up—no luck—then back to the first place—still nothing. Then, something. A nearby rustling. Glenn turned the Rover around—and, for the first time, left the engine running while we waited.

When the elephant stepped into the clearing, it was no anticlimax. He was large enough, in the first place, to fill your field of vision. Even from the raised back seat of the Land Rover, I had to look *up* to meet his mild and magnificent eye. He seemed curious, flapping his ears interestedly as the Rover did a little dance with him: he would advance a few feet, we would retreat; he would veer off, distracted by a tasty-looking young tree, and we would follow. I had been mildly concerned by Glenn's insouciance about mowing down thorn bushes; our elephant put this into perspective. In the half-hour we spent with him, he wreaked more havoc than a whole fleet of Land Rovers could do in a month. When he calmly uprooted his third young tree to get at the grubs in its roots, a new member of our group asked nervously whether he could do a Land Rover any harm if he got the chance and were so inclined.

"No problem," said Glenn. "This weighs a ton; he weighs at least five. He could flip us over like *that*."

Finally the elephant moseyed away, and we paused in a clearing for our sundowner. For once the group was hushed, moved by the elephant's combination of massive strength and vulnerability—a survivor from some prehistoric age, whose presence in our downscale era would have seemed precarious even without the regular news reports of poaching elsewhere in Africa.

But Mala Mala still had not shot its bolt. On our way back to the lodge, we came upon a group of Rovers. They were watching nature red in tooth and claw, a life-or-death battle of wills. Two young lions had cornered a porcupine in a gully. But the underdog was a formidable antagonist, his quills waving like wheat stirred by a summer breeze. For fully five minutes they faced each other, every growl or flick of a paw met by a more ferocious rattling of the quills. Finally the lions decided dinner wasn't worth it and stalked disgustedly away, leaving the

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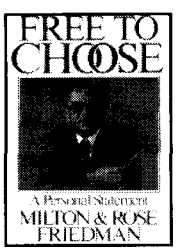

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porcupine to fold his quills and waddle off in peace.

Next morning there was time for a better look at a buffalo—truculent and almost handsome with his elaborate horns—and at a family of warthogs (we thought of Flanders and Swann). But the memory that lingered was of the elephant, and how very much farther than five thousand miles he was from the Bronx Zoo. □

BOOKS IN BRIEF

Object Lessons, by Anna Quindlen (Ivy Books, 323 pp., paper, $5.99)

ANNA Quindlen has just won a Pulitzer for her twice-weekly "Public and Private" column, which appears on the op-ed page of the *New York Times*. That the column is distinguished mainly by a shrill, self-righteous tone and specious argument seems not to have mattered; I like to think the Pulitzer Committee was merely rewarding the *Times* for finally giving a spot to someone under forty. Certainly Miss Quindlen is a genuine voice of her generation and class, in her virtues as well as her vices. The virtues are on full display in her endearing first novel, *Object Lessons*, now out in paperback. It is the story of one summer in the life of Maggie Scanlon, the summer when everything changed: dawning adolescence, romance, and family instability. The baby-boomers' defining prejudices—that theirs is the first generation to experience true idealism and to know the infuriating limits (as well as joys) that derive from each man's particular heritage—are there. But instead of indulging in her familiar whiny sermonizing Miss Quindlen here evokes those feelings by her depictions of characters and events. Even the somewhat caricatured family members—the wise rebel "aunt," the klepto-entrepreneurial, Kennedy-hating Irish grandfather—are nuanced, simultaneously cherished and resented by the author and her characters. Miss Quindlen's narrative is shaped by human nature, with the epigram one character quotes—"Life is a comedy for those who think, a tragedy for those who feel"—giving a fair summary of her take on life. No doubt her children will grow up to be Republicans.

—MARK CUNNINGHAM

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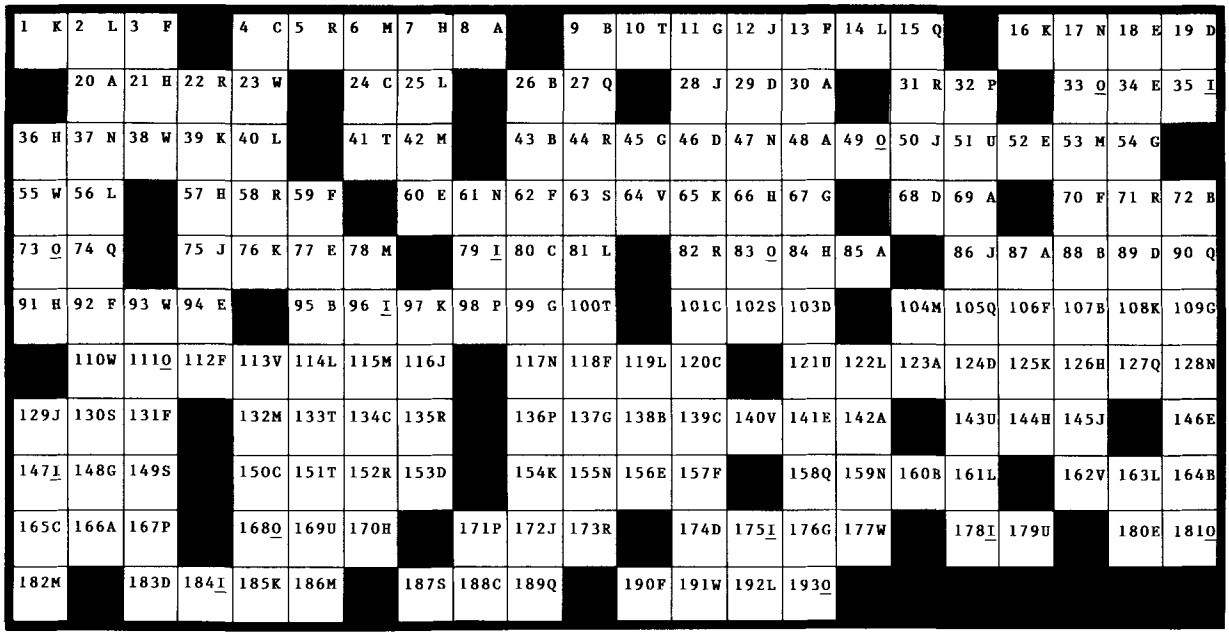
TRANS-O-GRAM / Kem Putney



DEFINITIONS

A. Youthful-sounding Ohio city — 30 166 87 123 48 142 8 69 20 85

B. Step in the remission of sin — 9 88 43 138 107 95 164 72 160 26

C. It lets you proceed (hyph.) — 139 24 150 165 120 188 4 134 80 101

D. Book cover — 153 103 19 68 89 29 183 174 46 124

E. Like Sandy Koufax — 156 60 146 180 77 34 52 94 141 18

F. Elizabeth Taylor flick (2 words) — 59 131 3 62 118 106 13 92 70 190 112 157

G. Beatles' hit, formerly — 176 67 99 137 148 45 54 11 109

H. Austrian diplomat and prince — 126 84 57 36 170 66 144 21 91 7

I. Gush — 147 96 178 79 184 35 175

J. Daredevil's desire? (2 words) — 145 116 75 129 172 28 12 86 50

K. Clarify by example — 125 97 108 65 76 154 185 16 1 39

L. First day of Lent (2 words) — 119 81 2 161 114 40 25 122 14 192 163 56

M. Fir, e.g. — 186 115 78 104 6 42 182 53 132

N. Relative of uric acid — 61 155 128 117 159 17 47 37

O. Certain African cats — 73 181 111 83 49 168 33 193

P. Colorado park — 98 167 171 32 136

Q. Wingtip's form maintainer (2 words) — 158 74 27 127 15 189 105 90

R. Hebrew test word (Judges 12:4-6) — 135 71 5 82 31 152 22 173 44 58

S. Removed — 130 149 102 63 187

T. Gander or his opposite — 10 151 41 100 133

U. Stood up — 143 169 179 121 51

V. Wading bird — 140 162 113 64

W. Takes small bites — 38 191 110 55 23 93 177

DIRECTIONS

The object of TRANS-O-GRAM is to fill in the puzzle diagram by guessing the words from their definitions, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled in it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the words have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's New International Dictionary*, Second Edition.

Solution to Last Issue's Trans-O-Gram. D. E. COSTIN—*On Parental Consent*: Can we reasonably expect someone who makes an immature decision regarding promiscuous sex (resulting in the "debilitating byproduct" known as "teenage pregnancy") to turn around and make a mature decision about abortion all by themselves?

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SAMUEL
(Continued from page 36)

occurred in the first half of the century. Between 1940 and 1970 global temperatures declined steadily, though this was the period of the fastest expansion in world industrial growth and in CO_2 emissions. Since 1970 temperatures have risen along with CO_2 concentrations. A George Marshall Institute panel led by eminent scientists has just concluded (see GTI#123) that the observed climate record suggests that a doubling of greenhouse gases will produce at most a 0.5°C increase in average temperatures—one-fifth of the number in the Administration paper. They note that the sun has been accepted as the controlling factor in most climate change over thousands of years and that, in this century, changes in solar radiance correlate very closely with the average temperature record—whereas greenhouse-gas concentrations correlate very poorly.

There is not a hint of this in the State Department document. Under the subhead "Implication" (p. 2), the paper says: "The best scientific information indicates that if greenhouse-gas concentrations in the atmosphere continue to increase as a result of human activities significant changes in the climate system are likely."

This again is the extremist environmentalist line, and it is flat wrong. Greenpeace polled four hundred climate scientists around the turn of the year and was disconcerted to find that only 13 per cent subscribe to its alarmist version of the greenhouse warming; 32 per cent said the theory was possible and 47 per cent that it is "probably not" true. Other surveys of the views of scientists have clearly established that a minority of scientists with expertise in climate believe the catastrophe theory.

William Nierenberg, former director of the Scripps Institute of Oceanography, who ran the Marshall study, says a 0.5°C rise is an upper limit to the greenhouse effect. He also says he has reviewed all the relevant scientific literature and talked personally to about fifty colleagues working on climate-change issues. He says the Marshall study conclusion is "dead center" in the range of scientific opinion.

Which leaves the State Department paper way off on the extreme left. □

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Some Questions For Mr. Perot

NEW YORK, APRIL 20

It is most certainly happening to everybody who anybody suspects has a pipeline to the thinking of H. Ross Perot. I have no such pipeline, and accordingly proceed to ask him a number of questions to which I do not have his answers. Mr. Perot:

—The national deficit is not under effective control. Would you recommend to Congress an increased levy in income taxation? If so, in what amount? And how would you distribute the burden?

—The primary factor in the trade deficit is the cost of imported oil. Mr. Tsongas proposed a tax on the importation of oil, a) to diminish the consumption of oil; b) to encourage the development of native reserves and of alternative sources of energy; and c) to raise revenue. Is that a good idea?

—Entitlement programs are costing the Treasury over $700 billion per year. Various proposals have been made to reduce that burden, among them a) stop indexing Social Security payments for one or more years; b) reduce payments to above-average-income Americans for a year or two or more, as required. Do you swing with either of these?

—On the problem of spiraling medical costs, there are several proposals, among them a) to discontinue the corporate tax deduction for medical benefits; b) to permit Americans to deduct medical expenses after $2,000 in expenditures; and c) to require every citizen, in order to qualify for Social Security, to take out insurance against catastrophic illness, on the understanding that the insurance payments will be made by the Federal Government for those who live below the poverty level. What say you?

—It is proposed that subsidies be eliminated for any farmer whose adjusted gross income exceeds $100,000. Okay?

—It is proposed that we accelerate our free-trade agreements to cover Mexico immediately and the balance of the hemisphere within four years. Any objection?

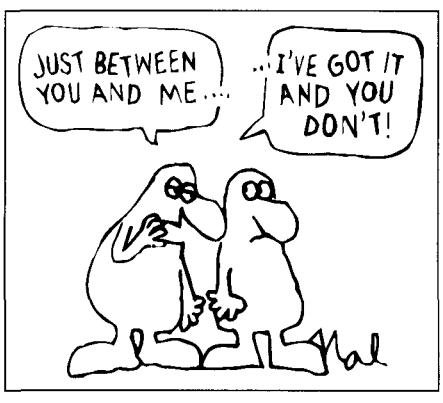
—It is suggested that the Federal Election Commission list the cash value of all political contributions made by labor unions to expedite their recovery by union members who object to the use made of their dues. Do you agree?

—Scientists who are engaged in anti-missile defense believe that immediate attention needs to be given to developing missiles to be fired from naval warships that would destroy nuclear or biological weapons in the boost phase, which program could be active as soon as 1994. More refined protections, using drones and a variant of the brilliant pebble, could be ready by the turn of the century, and space-based missiles after that. Are you in sympathy with these projections of the SDI idea?

—The public schools have not been producing satisfactory results. Would you back the idea of giving families a voucher usable at any school of their choice, even if it happened to be denominational?

—Do you favor continuing American participation in regional defense arrangements designed to prevent the gestation of geopolitical threats to stability and to U.S. security?

—Would you encourage a movement toward political and economic devolution that would give the individual states full freedom to experiment with different approaches to state problems? For example: Harris Wofford prevailed in his race for senator from Pennsylvania by encouraging comprehensive state-backed medical care. Would you encourage any state whose citizens believed this was the way to go, to proceed using their own resources, instead of depending on Washington, which after all has only the resources of the individual states?



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—In respect of threats to the public health, do you believe that all Americans should be tested for the HIV virus with the end of giving to those who suffer from it such opportunities as are available for remedial treatment, and of warning them against unsafe exchanges with those who are not contaminated?

—Would you endorse the gradual movement to remove federal jurisdiction over capital punishment when the objective of appeals becomes clearly ideological—i.e., to persuade the higher courts not that someone has been unfairly convicted, but that no one should actually be executed?

—Would you petition Congress to substitute "America the Beautiful" for "The Star-Spangled Banner" as our national anthem?

When you have the answers to these questions, I will send you my 800 number. —WFB

Contest in California

NEW YORK, APRIL 27

Because Pete Wilson left the Senate in order to become governor of California, and because Senator Alan Cranston decided—after it was divulged that he did his best to wheedle from a government agency an extra billion or two to help his friend Charles Keating swindle money from some of Cranston's constituents—that this would be a propitious time to end his political career, there are two contests for senator in California this year. The second of the two, for the full six-year term, is the more interesting because it presents a whiz-kid young attorney-professor-congressman (his name is Tom Campbell) against a veteran documentary speech-writer idea-man political strategist turned radio commentator (Bruce Herschensohn). I confess my preference for Herschensohn for personal and political reasons. I knew him when I served the USIA as a Commissioner, and politically we are blood brothers.

I was at a meeting of the Commission when the electric word came in that Herschensohn's documentary on the rape of Czechoslovakia by the Soviet Union in 1968 had won—an Oscar! If you asked Lloyds of London what would be the chances of an Oscar for a documentary at once anti-Soviet, anti-détente, anti-appeasement, produced during the Vietnam years by a government agency in

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the reign of Richard Nixon, you'd have got odds of maybe 1,000 to 1 against. It was, pure and simple, a tribute to the creativity of Bruce Herschensohn, who in the ten years he has conducted his radio program in Los Angeles has amassed a fervent constituency of men and women who respect his wisdom, admire his tenacity, and are exhilarated by his intelligence.

The other guy is also very bright, having run the four-minute mile and then some at the University of Chicago, Harvard (editor of the *Law Review*) back to Chicago for a PhD in economics, to Stanford as a professor, and then to Congress, where someone designated him among the brightest people there, causing him to reply with a witticism so captivating ("That's like calling me the highest skyscraper in Topeka") I confess to having coined it some dozen years ago.

But the trouble with Tom Campbell is that he poses as a conservative rather unconvincingly. The Herschensohn enthusiasts have put together a "truth squad" package, logging Campbell's pristine liberal positions, and others in which he finds himself a born-again liberal.

Once upon a time, for instance, Campbell was pro-choice but emphatically against funding for abortions ("I don't want to get into any funding for killing"). Now he takes the position that anything an affluent abortion-seeker is entitled to, an indigent abortion-seeker should also be entitled to (why doesn't this include the right to go see the swallows come back to Capistrano?). On the matter of taxes, Tom Campbell has been, so to speak, all over the place. "The way to cut the federal budget is to cut Federal Government spending, not to increase taxes" (Version A). "I don't know any good macro-economists who believe we can solve this budget deficit without taxes" (Version B). (There is a long list of volunteers who would gladly introduce Campbell to more than one good macro-economist at his alma mater.)

On defense, he is simply perplexing. He voted soon after Saddam Hussein's invasion of Kuwait to cut defense spending, and wishes drastically to reduce such spending now, an arguable point: but with the savings realized, he wants to augment federal programs. Confusing.

What most irks my highly experienced ear for liberal cant is Professor Campbell's odd animus against SDI. He voted with California Congressman Ron Dellums (who belongs in Madame Tussaud's as the best living specimen of *Homo stupidus liberalis*) against SDI, making great sport of the brilliant pebbles concept (he suggested instead an approach to "precocious sand"). The trouble with poking fun at brilliant pebbles is that one day the skeptics may rank with those who poked fun at electricity (Thomas Edison's critics referred to it as "magic puff-puff"). But trendy attacks against SDI leave a mark on American legislators, and it shines in the night like a luminous sign—of the wrong kind of irreverence toward the creative ability of Americans.

Needless to say, the California businessmen who tend to flock to the liberal alternative in Republican primary contests are sending barrels of gold to Tom Campbell, and Bruce Herschensohn gets his nickels and dimes from his constituency. But these nickels and dimes are precocious grains of sand, because our Bruce is ahead right now! □

Fornicators & Drunk Drivers

NEW YORK, APRIL 17

Patricia Schroeder forced herself to smile at the young black gentleman who opposed the distribution of condoms in the high schools. She explained: "Look, it's like this. I try to persuade my children not to drink. But then I tell them: If you *do* drink, *don't drive*!"

The analogy is worth probing, because it is a mainstay of the argument in favor of condom-distribution.

1. There is a school of thought that objects to drinking alcohol at any time. It flowered briefly with the enactment of the Eighteenth Amendment, which ushered in all kinds of awful things like lawlessness and the New Deal. It has substantially shrunk. There is still a very vocal fear of alcoholism, inasmuch as about 10 per cent of the people who drink can't handle it. It is probably safe to say that alcohol ruins more lives, marriages, and careers than any two or three other afflictions combined.

2. Extramarital sexual intercourse is in many states forbidden, though enforcement is lax; almost everywhere, adultery is grounds for divorce. The general idea is that almost all laws are going to be broken, and the severity of the penalties against breaking them ought to bear some relationship to the consequences of breaking them.

3. If you drive while drunk, it is entirely possible that you will kill an innocent person. For that reason penalties against drunk driving are getting appropriately severe. In some states, a single conviction will lead you to the slammer for as much as six months.

4. Licentious sex among young people has greatly increased in the past generation. Pari passu, illegitimate births have increased, and also venereal diseases and AIDS. The question arises whether it thus makes sense to stiffen the laws against fornication, or to attempt to mitigate the consequences of it.

5. Those who very much favor the latter are generally in favor of abortion. Sex between two people is not quite a private affair, inasmuch as it can and frequently does create a third person. So: bring out the scalpel and exterminate the third person, end problem.

AIDS yields to no medicine. So the choices there are: either stiffen the code against casual sex, or else attempt to make casual sex safer by distributing condoms.

6. If you distribute condoms, you are taking a course of action the analogue of which, in the case of the drunken driver, would be a revolving red light and a siren with perhaps a loudspeaker that yells out: "Watch out for me. I am drunk and I am driving. Stay clear of this vehicle." The idea would certainly minimize the number of people who get killed by drunken drivers while crossing the street. On the other hand, there are those who say that surely the effort of society ought to be not to make it safer for the drunken driver to drive, but to prevent him from doing so.

7. These would press the analogy by saying: Look, with the red light and the siren and the loudspeaker, fewer people would get mauled by the drunken driver; on the other hand, some people would still fail to get out of the way in time. By the same token the experts tell us that a condom is by no means absolutely safe. All that it does is to lower your chances of contracting AIDS or progeny. Another way to put it is that there are children, dead and alive, whose father used a condom at the time of their conception; and there are people, dead and temporarily alive, whose affliction penetrated the protection of the condom.

The argument then tends in favor of a stiffening of the code. And those who oppose the free condoms insist that quite the opposite effect is had, when they are distributed, than when the use to which they are put is more and more convincingly opposed. To distribute a condom is, to continue the analogy, to give out free sirens and red lights and loudspeakers to those who order the extra drink.

These arguments should be absorbed by Mrs. Schroeder, unsmilingly. □

(Universal Press Syndicate)

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Wink, Wink, Nudge, Nudge

ON THE subject of Famous Living Britons, a cultural difference is immediately apparent to non-famous living Britons visiting America. In the gentler quarters of New York and San Francisco, one is asked: "How's Sir Peter Hall getting on at the National Theater?"

The average visiting Briton's response would be: "I don't bloody *know*. Look in the Sunday arts section of the *New York Times*." But in, say, Chicago and Cleveland, they do not seem to have gentler quarters. Or at least, they do not seem to have the sort of people whom gentler quarters produce. In the saloons of such cities—if not the *salons*—hardhats would introduce themselves as Joe Bronowski, and announce: "Do you know who I really like in your country?"

If it was not Mrs. Thatcher, it was always Benny Hill. At his death, Hill was still being watched or dubbed on the television screens of the world—Chinese television (*Communist* Chinese television) broke into its regular programming to announce his death—but not those of his own country. His show had not been seen in Britain for about three years. Apparatchiks of the relevant TV company deny it, but Hill's show was removed because it was not Politically Correct. A Politically Correct Comedian does not make jokes about the female bosom. He makes jokes about people who make jokes about the female bosom.

Mr. Hill's departure from television followed criticism from such so-called "alternative comedians." The most famous of these, Mr. Ben Elton, had described Hill as a "dirty old man, tearing the clothes off nubile girls while chasing them round a park." That proved Elton no Hill scholar. It was usually Hill who was chased—for a reason to which I will later allude.

Mr. Elton is an altogether superior person—the son of a professor of higher education, nephew of the distinguished historian of Tudor England, Sir Geoffrey Elton, and himself the author of a "green" novel. Wink, wink, nudge, nudge, know what I mean, Squire? There was a certain amount of outrage at the realization that Hill had disappeared from the screen for vaguely political reasons, and that Mr. Elton seldom seemed to be off it. Mr. Elton thought it prudent to explain that his criticism of Hill had been taken out of context. Mr. Elton said he criticized Hill only "once."

A text to associate with Hill is Orwell's *The Art of Donald McGill* (1941), about the jokily smutty postcards associated with British seaside resorts. "Your first impression is of overpowering vulgarity. This is quite apart from the ever-present obscenity . . . an utter lowness of mental atmosphere." But then Orwell makes us look closer. It "is not intended as pornography but, a subtler thing, as a skit on pornography . . . one notices that [McGill's] brand of humor only has a meaning in relation to a strict moral code. Whereas in papers like *Esquire*, for instance, or *La Vie Parisienne*, the imaginary background of the jokes is always promiscuity, the utter breakdown of all standards, the background of the McGill postcard is marriage."

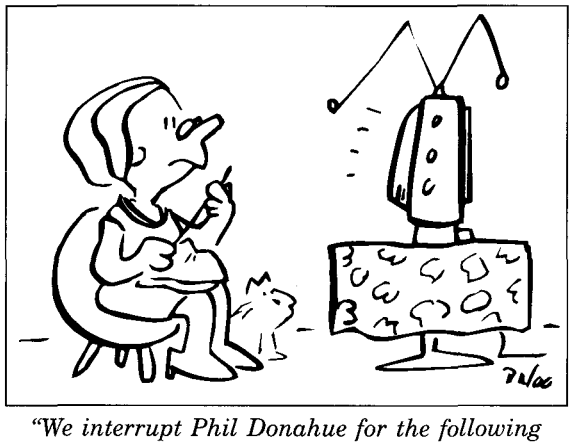
Orwell gives a brilliant explanation for McGill's constant jokes on the theme of non-stop sexual activity by honeymoon couples: "Its implication—and this is just the implication that *Esquire* or *The New Yorker* would avoid at all costs—is that marriage is something profoundly exciting and important, the biggest event in the average human being's life."

In Hill's sketches, he is hardly ever married. He is usually the attempted adulterer. But his attempts always end in his own humiliation or worse. For example, the camera—looking through a bedroom window—observes a lightly clad wife welcoming her husband home. The husband says it looks like being a cold night, and pulls down the window. The camera draws away to reveal, on the narrow ledge outside, first the socks, then the underwear, of a shivering Hill. Hill looks to one side, and reacts with horror to an apparent predecessor of long before—a male skeleton clinging to a drainpipe.

TRUE, the girls—known as Hill's Angels—were beautiful. But he never had his way with them. He always came off worse. Like all great comedians, he sacrificed himself. In contrast, Mr. Elton, and the other alternative comedians, seek to establish their moral superiority over their material. They proclaim: we expose the smuttiness of others. But Hill took on himself the burden of all our smuttiness: "Dave's a good barman. He always gives me a good cocktail. Sometimes he even gives me a drink." The alternatives would never risk so dire a joke. They prefer a merry quip about the alleged paucity of Western aid to the Third World. But Hill was a master of the wink and anticipatory leer (never requited). Admittedly, Hill's Angels, mainly in those speeded-up finales, sometimes chased *him*. But only when he doubted his manhood's ability to reward them. So again, the joke was on him.

Those mad chases, incidentally, trace him to another source as well as that of McGill—the great tradition of jokes which can only work on film, the tradition of Keaton and the Keystone Cops. That, and the smut, was why he, like them, was known to the world. That, and the power of the alternatives, is why, for once, someone's death really is the end of an era.

—FRANK JOHNSON



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Mr. Johnson is Associate Editor of the London Daily Telegraph.

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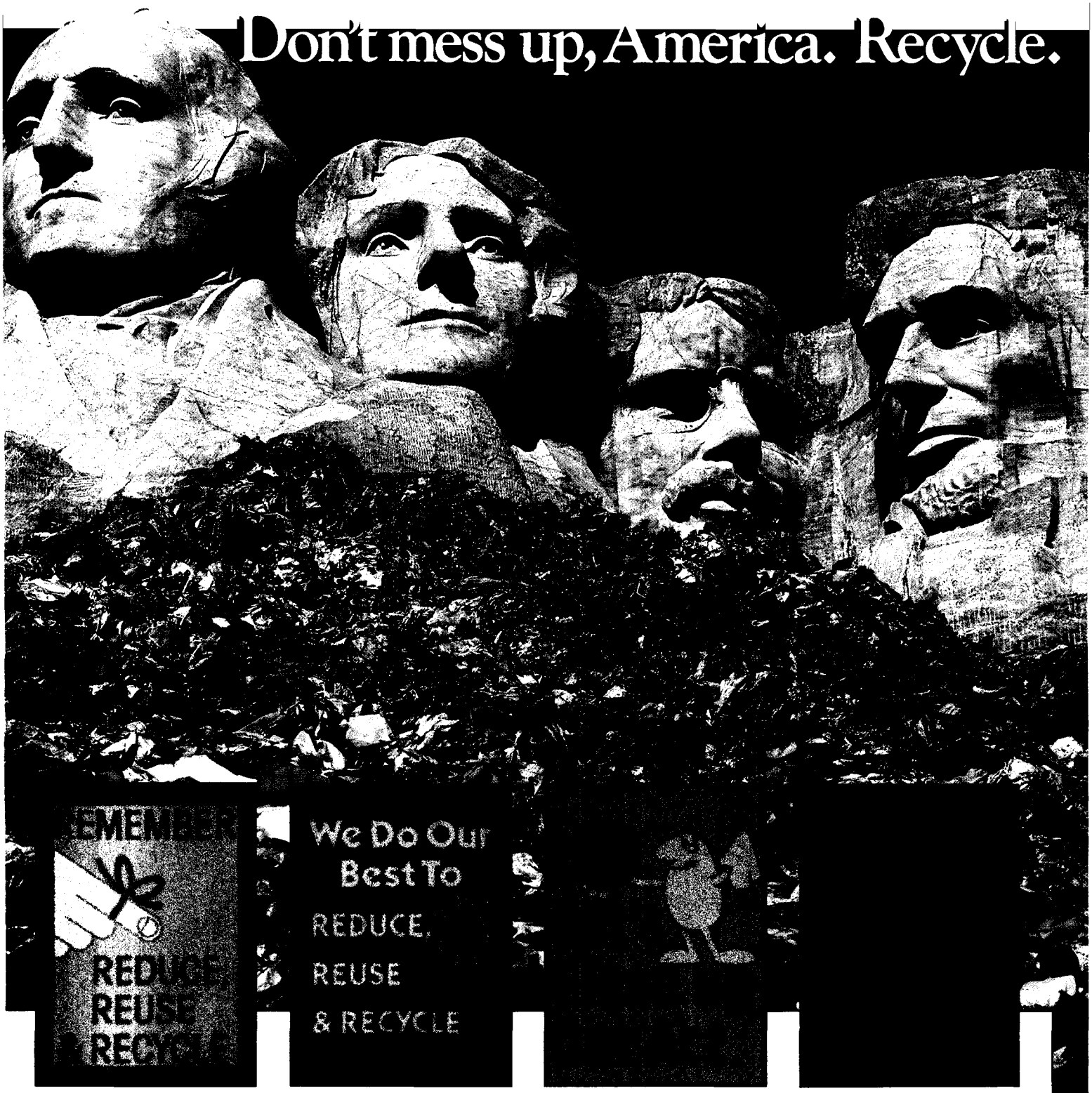

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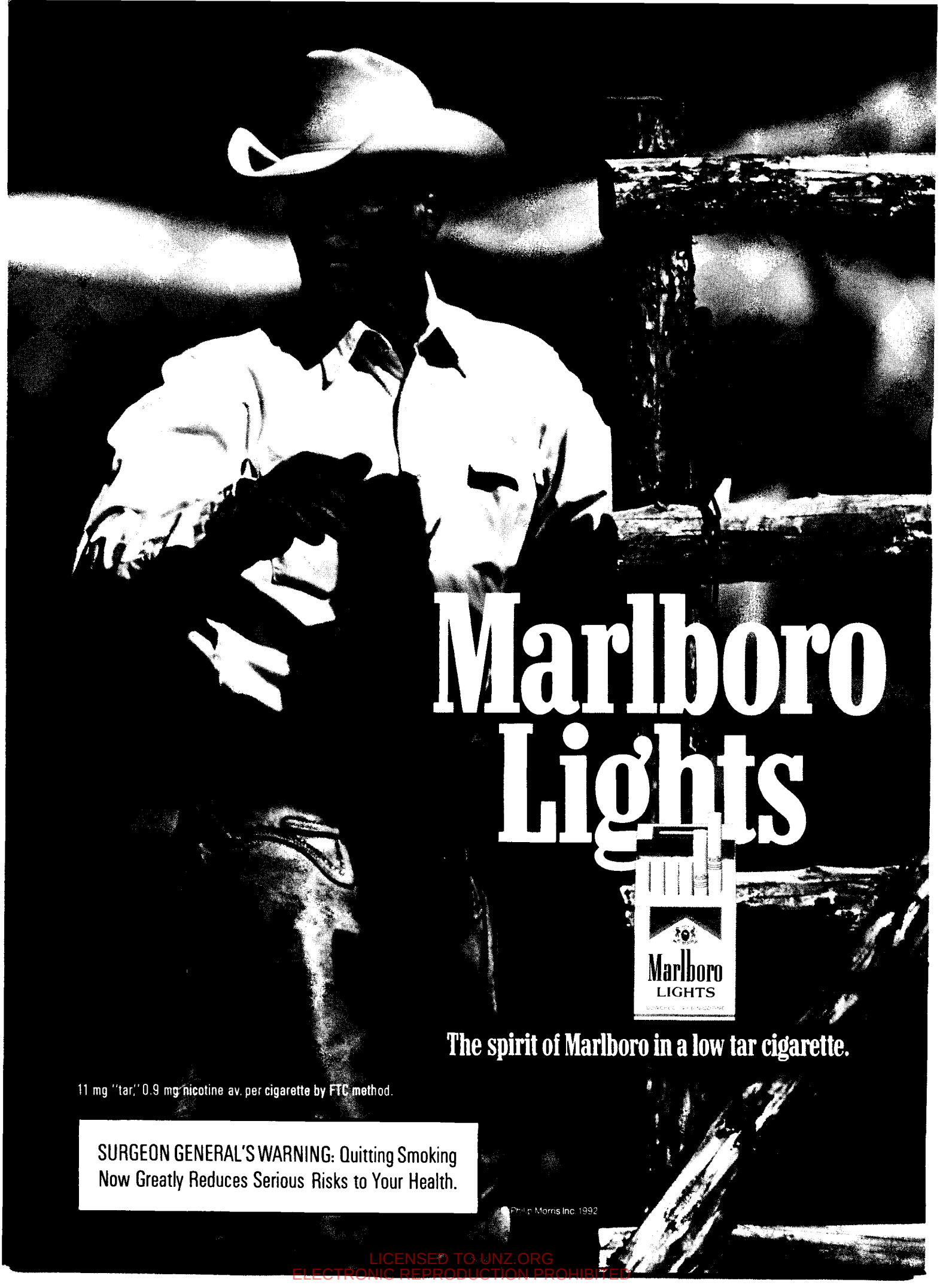
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